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Missouri
1875

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JOURNAL

MISSOURI CONSTITUTIONAL CONVENTION OF 1875

VOLUME I

WITH AN HISTORICAL INTRODUCTION ON

CONSTITUTIONS AND CONSTITUTIONAL CONVENTIONS IN MISSOURI

By ISIDOR LOEB, PH. D., LL. B.

AND A BIOGRAPHICAL ACCOUNT OF

THE PERSONNEL OF THE CONVENTION

By FLOYD C. SHOEMAKER, A. M.

Editors.

A Missouri Centennial Publication By

THE STATE HISTORICAL SOCIETY OF MISSOURI

COLUMBIA, 1920

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PREFACE

For forty-five years Missouri has been governed by the constitution framed in 1875. It is, therefore, surprising that the official journal of the convention that drafted this document has been practically inaccessible until now, owing to its having been preserved only in its original manuscript form. The journal is only less important than the constitution itself. To insure the safety of this record from possible destruction of the original and to make it accessible to the citizens of the State, the Fiftieth General Assembly of Missouri appropriated funds for its publication by The State Historical Society of Missouri.

The plan of publication adhered to in this work was to reproduce as nearly as possible the exact wording of the original. In cases of ambiguity of language, no changes have been made except where the intended meaning was obvious. Incorrect spelling, capitalization, and punctuation, where obviously erroneous, have been corrected. The changes in style are due to the different copyists employed by the convention. The editors did not undertake to obtain uniformity in such cases.

For better understanding both the Missouri constitution and the journal of 1875, two introductory chapters have been included in this work. The article on "Constitutions and Constitutional Conventions in Missouri" is an account of constitutional development with particular reference to the conditions which influenced the action of the convention of 1875. The article on "Personnel of the Convention" is a resume of the salient facts in the lives of the delegates. The biographical sketches of the delegates were compiled by Miss Buel Leopard, who is document clerk in The State Historical Society of Missouri.

For the many courtesies and favors shown by interested citizens of the State, the compilers are under obligation. Without the assistance of Missouri editors, lawyers, judges, and public officials, many facts relating to the delegates could not have been obtained. The valued assistance of Mr. Wm. Clark Breckenridge, Mr. Walter B. Stevens, and Judge Walter B. Douglas, of St. Louis, and of Hon. Perry S. Rader, of Jefferson City, should be especially mentioned; also the courtesy of Hon. John L. Sullivan, of Jefferson City, in lending the original journal for copying.

It is appropriate that this work should have been completed in July, 1920. One hundred years ago on July 19, 1820, forty-one delegates framed and adopted Missouri's first constitution. The State Historical Society of Missouri is glad of the opportunity to issue this publication as a contribution to the observance of the centennial of this State.

THE EDITORS.

CONTENTS

Page

Constitutions and Constitutional Conventions in Missouri, by Isidor Loeb 7

Personnel of the Convention, by Floyd C. Shoemaker 57

Biographical Sketches of the Delegates, by Buel Leopard 72

Journal of the Constitutional Convention of 1875 of the State of Missouri 113

Appendix 891

Index 905

CONSTITUTIONS AND CONSTITUTIONAL CONVENTIONS IN MISSOURI

BY ISIDOR LOEB.

Missouri has had five Constitutional Conventions but only three Constitutions have existed in the history of the State. The first of these was adopted by the Convention of 1820 and continued to operate until 1865. In 1845 a Constitutional Convention submitted a Constitution which was rejected by the voters. In 1861 a Convention was called for the primary purpose of determining the attitude of Missouri regarding the Union. After deciding by a practically unanimous vote against secession, the Convention adjourned instead of disbanding. It held four other sessions during 1861 and the two succeeding years and practically carried on a provisional government. While it adopted a number of constitutional amendments, the Convention did not undertake to make any general revision of the fundamental law of the State. In 1864 the voters approved the plan of calling a Constitutional Convention, which met in 1865 and drafted a Constitution which was adopted by the voters. This Constitution remained in effect until it was superseded by the present Constitution which was adopted in 1875.

While this article is primarily concerned with the Constitutional Convention of 1875 and the conditions which influenced its action, it will be desirable to consider briefly the preceding Constitutional Conventions which drafted Constitutions and to point out some of the more important features of these instruments. Many provisions of the existing Constitution had their origin in the earlier documents.

Constitutional Convention of 1820.

Missouri's admission into the Union was delayed by the contest over the question of slavery extension, but finally an

Act of Congress approved March 6, 1820, authorized a Convention for the purpose of forming a Constitution and State government. This Convention, which consisted of forty-one delegates chosen from the fifteen counties in accordance with the apportionment prescribed in the congressional act, met in St. Louis on June 12, 1820, and completed its work in a little more than five weeks, adjourning on July 19th. The Constitution was adopted by a vote of forty to one. The Act of Congress did not require the submission of the Constitution to the voters and the Convention assumed that its adoption of the Constitution marked the establishment of the new State.[1] It made provision for an election for State officers to be held on August 28, 1820, and for the inauguration of the new government on September 18, 1820.[2]

While the machinery of State government was put into operation as provided by the Constitution, the State's Senators and Representative in Congress were not permitted to take their seats because of objection to a clause of the twenty-sixth section of the third article which required the Legislature to pass laws to prevent free negroes from coming into the State. After a contest extending over a period of three months, the controversy was settled by the Second Missouri Compromise on March 2, 1821. This resolution of Congress required the passage of a "solemn public act" by the Missouri Legislature agreeing that the clause in dispute should never be made the basis of any law by which any citizen of any state shall be excluded from any privileges to which he is entitled under the Constitution of the United States. The General Assembly of Missouri passed this act which was approved by the Governor on June 26, 1821. A copy of the act was sent to President Monroe and thereupon in pursuance of the congressional resolution the latter on August 10, 1821, issued his proclamation setting forth the facts and stating that "the admission of the said State of Missouri into this Union is declared to be complete."

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[1]Constitution, 1820, Schedule, Sec. 1.
[2]Ibid., Sec. 9, 10.

The Constitution of 1820 consisted of thirteen articles dealing with the boundaries, distribution of powers, legislative power, executive power, judicial power, education, internal improvement, banks, militia, miscellaneous provisions, permanent seat of government, mode of amending the Constitution and declaration of rights, in addition to a schedule containing temporary provisions for facilitating the transfer from Territorial to State government. The articles relating to education and internal improvement were brief and largely confined to a mandate for the encouragement of such matters by the Legislature. The article dealing with banks restricted the Legislature to the incorporation of one bank with not exceeding five branches and a maximum capital stock of five millions of dollars of which at least one-half must be reserved for the State. The militia article was likewise brief, providing merely the manner of choosing officers, while the provisions regarding the permanent seat of government left the General Assembly chief power of determining this question.

The legislative article was largely confined to provisions regulating composition, organization and procedure. The bicameral system was established and the principle of apportionment according to free white male population was adopted for each house, except that each county was to have at least one member in the House of Representatives. The membership of this House was not to exceed one hundred while that of the Senate was not to be less than fourteen nor more than thirty-three. Only a few sections contained positive restrictions upon legislative power and these related almost exclusively to some feature of the institution of slavery.[3] While the declaration of rights contained the usual limitations upon civil and criminal procedure, the Constitution did not contain the numerous restrictions upon legislative power which have appeared in the later documents. As a result the Constitution of 1820 was a relatively brief instrument, containing not exceeding 10,000 words.

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[3]Constitution 1820, Art. III, Sec. 26-28.

In addition to the Legislature the Constitution provided for the Executive and Judicial Departments which, in accordance with the principle of distribution of powers set forth in Article II, were to be distinct from and independent of each other as well as of the Legislative Department. The Constitution was one of the earliest to provide a four-year term for the Governor, who, however, was made ineligible to succeed himself. The Governor and Lieutenant-Governor were the only executive officials chosen by popular election. All of the other officials of the Executive Department provided for by the Constitution were appointed by the Governor except the treasurer who was chosen by a joint session of the two houses of the Legislature.[4] The Governor likewise appointed all judges, who held office during good behavior, but his appointment of these and of the principal executive officers required the consent of the Senate.[5] The Governor was also given a limited veto power but this could be overcome by an absolute majority in each house of the General Assembly.[6]

Suffrage and elections were not as yet considered of sufficient importance to deserve a separate article. Universal suffrage was provided for all free white adult male citizens of the United States, except members of the regular army or navy of the United States,[7] but occasion for the exercise of this suffrage was limited. The only elective State officials were members of the Legislature and the Governor and Lieutenant-Governor. The whole field of local government was left to legislative regulation, except that the Constitution provided for a sheriff and coroner in each county and these were to be chosen by popular election until otherwise provided by the General Assembly.[8]

Even in the matter of amending the Constitution there was no provision for popular referendum, amendments

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[4]Constitution, 1820, Art. III, Sec. 31; Art. IV, Sec. 12, 21; Art. V., Sec. 18; Art. IX, Sec. 3.

[5]Constitution, 1820, Art. V. Sec. 13.

[6]Constitution, 1820, Art. IV, Sec. 10, 11.

[7]Constitution, 1820, Art. III, Sec. 10.

[8]Constitution, 1820, Art. IV, Sec. 23.

being proposed by a two-thirds vote of each house of the Legislature and requiring for ratification a similar vote at the first session of the next succeeding General Assembly. No provision was made for a general revision of the Constitution.[9]

The Constitution of 1820 was typical of the period of its creation, occupying a somewhat advanced position in the matter of long terms for members of the Legislature (two and four years) and executive officials (four years, except Treasurer, two years) and of biennial instead of annual elections and sessions of the Legislature. The democratic movement had barely commenced and it did not appreciably affect the Constitution. The chief influence came, naturally from existing state constitutions and of these the most influential were those of Alabama (1819), Illinois (1818), Kentucky (1799), and Maine (1819), all of these except one falling in the group of most recently adopted constitutions.[10]

Constitutional Convention of 1845.

Before the meeting of the Constitutional Convention of 1845, two series of amendments to the Constitution of 1820 had been adopted by the Legislature. The first group originally included ten sections proposed in less than one year after the adoption of the Constitution and seven of the sections were ratified in 1822.[11] Most of the amendments were intended to change those sections of the Constitution which provided a minimum salary of $2,000 for the Governor, Chancellor and Judges of the Supreme and circuit courts. These sections had been the subject of repeated opposition in the Constitutional Convention.[12] As amended the Legislature was left free to fix the compensation of these officials. Other amendments abolished the office of Chancellor but left the General Assembly power to establish a court or courts of chancery. United States officials who

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[9]Constitution, 1820, Art. XII.
[10]Shoemaker, *Missouri's Struggle for Statehood*, p. 250.
[11]Revised Statutes, 1825, Vol. I, pp. 65-67.
[12]Journal, Convention 1820, pp. 20, 21, 23, 24, 40.

were already ineligible to election as members of the General Assembly[13] were by one of these amendments disqualified to hold any office of profit under the State of Missouri.

The amendments as originally proposed by the Legislature in 1821 included sections transferring the power of appointing judges and the Auditor, Secretary of State and Attorney-General from the Governor to houses of the Legislature in joint session,[14] but these failed of ratification by the subsequent General Assembly. Notwithstanding this fact, one of the amendments proposed in 1821, which provided that the offices of the judges of the Supreme and circuit courts should expire at the end of the first session of the next General Assembly or as soon as their successors should be elected and qualified, was ratified in 1822.

The second group of amendments as proposed in 1833 was chiefly concerned with changes in the tenure and terms of judges and clerks of courts.[15] It was proposed to take the power of appointment from the Governor and, in the case of the clerks, from the courts, and to abolish the prov i sion under which all of such officials held office during good behavior. The Supreme Court Judges were to be elected by a joint session of the General Assembly while the circuit judges and the clerks of the county and circuit courts were to be elected by the voters of the circuits and counties respectively. All of these officials were to hold office for terms of six years. The offices of existing judges and clerks were to be vacated and provision was made for the electio of their successors. When these amendments were submitted to the Eighth General Assembly, all were rejected except those relating to clerks of the county and circuit courts and the vacation of the offices of existing circuit judges.[16] It was contended by a circuit judge that inasmuch as the section for vacating the offices of circuit judges had

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[13]Constitution, 1820, Art. III, Sec. II.

[14]Laws, 1821, p. 38.

[15]Laws of Missouri, 1832-33, pp. 3, 4.

[16]Revised Statutes, 1835, Vol. I, pp. 34, 35. Amendments which had been proposed in 1833 for changes in the northwestern and northeastern boundaries of the State were ratified in 1834.

been proposed in connection with the one providing a different term for circuit judges, the failure of the Legislature to ratify the latter made the former of no effect, notwithstanding its ratification. The Supreme Court held however the section providing for the vacation of the offices of circuit judges was an independent amendment and could stand alone.[17]

The failure of the attempt to introduce the elective principle and the limited term in the cases of judicial officers was partly responsible for the movement for a constitutional revision which commenced about this time. The population of the State which was only 66,586 in 1820 had increased to 383,702 in 1840 and by 1845 probably amounted to 500,000. It was naturally felt that the quarter century had introduced changes which made a revision desirable. The campaign received legislative approval in 1843.[18] In default of any definite provision in the Constitution of 1820 regarding general revision, the Legislature, in accordance with the prevailing constitutional principle, provided for a Constitutional Convention subject to the approval of the voters. This approval was given in 1844 by an overwhelming majority.[19] The act of 1843 provided that the Convention should consist of delegates chosen from the senatorial districts, each district electing twice as many delegates as the number of senators to which it was entitled. In August, 1845, sixty-six delegates were elected from the twenty-eight districts and the Convention met in Jefferson City on November 17, 1845.[20] The Convention was in session for nearly two months, adjourning on January 14, 1846. In contrast with the practical unanimity with which the Constitution of 1820 was adopted, the vote in the Convention of 1845 was forty-nine to thirteen. The negative vote foreshadowed opposition when, as provided in the Constitution, it was submitted to the voters in August, 1846.

[17]State v. McBride, 4 Mo. 303.

[18]Laws, 1842-3, pp. 26-28.

[19]Revised Statutes, 1845, p. 54 note. In 1835 a similar proposition had been rejected. Ter. Laws, Vol. II, pp. 433-435.

[20]Official Manual, 1915-16, p. 164.

The Constitution was rejected by a majority of over 9,000 in a total vote of 60,000.[21] Notwithstanding the defeat of the Constitution it will be desirable in this sketch of constitutional evolution to consider some of the more important features which distinguished it from the Constitution of 1820.

While the new document was somewhat larger in size, there did not yet appear those numerous provisions regulating and restricting the Legislature in detail. Significant, however, were the provisions restricting legislative power in incurring State debts, creating banks, lotteries and other corporations, granting divorces, regulating duels and passing private and local bills.[22] The growing lack of confidence in the Legislature is also manifested in the provision that no session shall continue longer than sixty days,[23] and in the requirement of a popular referendum upon constitutional amendments which could be proposed every four years by an absolute majority in each house of the Legislature.[24] The most important changes proposed, however, were those regarding the basis of representation in the House of Representatives and the tenure and term of judges.

It will be recalled that under the Constitution of 1820 each county was entitled to at least one Representative and the total number of Representatives could not exceed one hundred.[25] In 1845 there were ninety-six counties in Missouri and it was quite clear that additional counties would be created in the near future. Under these conditions, it was evident that the rule of apportionment according to white male population could not be carried out and that the counties with large population would have no more representation than the smallest counties. On the other hand after the number of counties reached one hundred, no new counties could be created without violating the above constitutional rule. In the Convention there was a contest

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[21]Ibid.
[22]Constitution, 1845, Art. III, Secs. 31, 32, 34, 38, 39; Art. VIII.
[23]Ibid., Art. III, Sec. 24.
[24]Ibid., Art. X.
[25]Constitution, 1820, Art. III, Sec. 2.

between those who favored the plan of giving each county at least one Representative and those who advocated the establishment of a ratio and the refusal of representation to counties having less than this ratio. A compromise was effected and a ratio secured by dividing the total number of free white inhabitants by one hundred. Counties were given representatives according to their ratios as follows:

For three-fifths ratio, one representative; for one and two-thirds ratios, two representatives; for two and two-thirds ratios, three representatives; for four ratios, four representatives and so on above that number giving one additional member for each additional ratio. Counties containing less than three-fifths ratio which were contiguous to each other were to be joined into districts containing two-thirds ratio and given one member, but a county having less than three-fifths ratio which was not contiguous to another similar county was to be given one member.[26] While this provision did not go into effect, it was of some influence in determining the basis of representation adopted by constitutional amendment in 1849.[27]

On the question of the tenure and term of judges a compromise was also made. Supreme Court Judges continued to be appointed by the Governor while circuit judges were to be elected by the voters of the circuit. The terms of office were twelve and six years respectively.

Constitutional Amendments, 1849-1865.

The rejection of the draft Constitution in August, 1846, was followed by numerous proposals for the amendment of the Constitution. As it required the joint action of two Legislatures to ratify, the first actual changes in the Constitution were not made until the session of 1848-49. Each succeeding General Assembly down to the Civil War ratified one or more constitutional amendments. The two most important changes proposed by the Constitution of 1845 were

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[26]Constitution, 1845, Art. III, Sec. 2.
[27]Laws, 1848-49, p. 6.

carried into effect in modified form by amendments ratified in 1849. As regards the judiciary, the appointive principle was retained for circuit as well as Supreme judges but the terms were changed to eight and twelve years respectively.[28] At the same session, however an amendment was proposed which being ratified by the Legislature at its session in 1850-51, established the elective principle for both sets of judges and a uniform term of six years.[29] At the same time amendments were ratified which, by introducing elective tenure in the offices of Secretary of State, Attorney-General, Auditor, Treasurer and Registrar of Lands, led to the introducton of the long ballot in Missouri State elections.[30]

The contest over the basis of representation in the House of Representatives was also settled by an amendment adopted in 1849.[31] While the plan of establishing a ratio introduced in the Constitution of 1845, was adopted, the divisor used in determining the ratio was one hundred and forty instead of one hundred. The smaller counties achieved a victory in the provision that a county with less than the ratio was nevertheless entitled to one Representative. Finally, there was now evidenced the desire to discriminate against the more populous counties by increasing progressively the number of ratios required for each additional Representative above two. Thus, for example, while a county with one and three-fourth ratios was entitled to two Representatives it was necessary to have three ratios for three Representatives; four and one-half for four Representatives; thirteen for eight Representatives, and twenty-four for twelve Representatives. The plan adopted, it is true, gave the more populous counties more representation than the previously existing system which, under the constitutional provision restricting the number of Representatives to one hundred, practically gave each county only one Representative. It was, however, much less in

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[28]Laws, 1848-49, p. 8.
[29]Laws, 1850-51, pp. 45, 50.
[30]Ibid., pp. 47, 48.
[31]Laws, 1848-49, p. 6.

accord with the principle of popular representation than the provision of the constitution of 1845 and it foreshadowed further discrimination in the future against the large centers of population.

The same amendment which fixed the basis of representation restricted the Legislature's power to reduce the size of existing counties or to create new counties with less than five hundred square miles or to give separate representation to any new county unless the latter contained, when established, free white inhabitants equal to three-fourths of the ratio of representation. It also settled the question of limiting the legislative session by fixing the existing compensation of members of three dollars a day as the maximum for sixty days after which time they were to receive not exceeding one dollar per day except at a revising session when the higher amount could be received for one hundred days. While this provision was abolished by subsequent amendment in 1857,[32] it furnished the model upon which similar provisions in the Constitution of 1875 were based.

The limitation upon legislative power to grant divorces which had been incorporated in the Constitution of 1845,[33] was finally secured through the ratification of an amendment in 1853.[34] In 1857 the article on banks was changed so as to give the Legislature power to charter not exceeding ten banks with an aggregate capital not in excess of twenty millions of dollars.[35] Two years later, the Legislature was forbidden to incur any State debt or liability in excess of thirty millions of dollars, except in case of war.[36] The Constitution of 1845 contained a provision prohibiting the Legislature from creating any State debt to exceed at any time twenty-five thousand dollars, without the consent of a majority of the voters.[37] In support of this provision the president of the Constitutional Convention of 1845 pointed

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[32]Laws, 1856-57, p. 5.
[33]Art. III, Sec. 32.
[34]Laws, 1852-53, p. 3.
[35]Laws, 1856-57, p. 6.
[36]Laws, 1858-59, p. 3.
[37]Art. III, Sec. 31.

out the danger that the Legislature, if not restricted, would incur huge debts to aid in the building of railroads.[38] His words were prophetic as in 1859, when the above amendment was passed, the amount of State credit loaned to railroads aggregated approximately twenty-five million dollars.[39]

The last amendment to the Constitution of 1820, adopted by the Legislature in 1861,[40] like one adopted in 1855,[41] was intended to validate the creation of a county smaller in area or population than permitted by the amendment dealing with the basis of representation which was adopted in 1849.[42]

Convention of 1861-63.

It has been pointed out[43] that the Convention called in 1861 was not chosen for the purpose of modifying the Constitution of the State. In its second and subsequent sessions, however, this Convention found it necessary at times to carry on a provisional government and it assumed the authority to amend the Constitution from time to time. An ordinance of July 30, 1861, vacated the offices of the Governor, Lieutenant-Governor, Secretary of State and members of the Legislature and provided for the choice of their successors.[44] On October 12, 1861, the Convention provided for the abolition of certain offices, the reduction of salaries of others and a test oath for all civil officials.[45] This was followed in June, 1862, by an ordinance prescribing test oaths for all voters, officials, jurymen, attorneys, teachers, preachers, and officials of corporations.[46] At the same session it changed the constitutional date for general elec-

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[38]R. W. Wells. A Review of the New Constitution of the State of Missouri, p. 9. Pamphlet bound with Journal of Constitution Convention of 1845, in Library of State Historical Society of Missouri.

[39]Report of Auditor of Public Accounts Appendix, Journals of the twentieth General Assembly, pp. 52, 53.

[40]Laws, 1860-61, p. 4.

[41]Laws, 1854-55, p. 4.

[42]Laws, 1848-49, p. 6.

[43]Ante, p. 7.

[44]Appendix, Journal of Convention, June, 1862, p. 3.

[45]Ibid., p. 5.

[46]Ibid., p. 13.

tions from August to November,[47] and at its last session in 1863 passed a similar ordinance regarding the date for electing judges.[48] Finally, at its last session, the Convention passed an ordinance abolishing those provisions of the Constitution which restricted the Legislature's power over slavery and providing a plan for the gradual emancipation of slaves in Missouri.[49]

Constitutional Convention of 1865.

Gradual emancipation was no longer acceptable and the demand arose for a new Constitutional Convention. This resulted in 1864 in the passage of an act providing for the submission of the question to the voters at the November election,[50] when the proposition carried by a large majority. As was true of the Convention of 1845, each senatorial district was entitled to twice as many delegates as it had senators. At this time there were twenty-nine districts each electing two delegates except the twenty-ninth (St. Louis county) which elected ten delegates. In accordance with the act of 1864, the delegates were chosen at the November election, when the question was submitted to the voters, and the Convention met at St. Louis on January 6, 1865.[51] The Convention was in session three months, adjourning on April 10, 1865. The Constitution was adopted by a vote of thirty-eight to thirteen and ratified on June 6, 1865, by the small majority of 1,862 in a total vote of 85,478.[52]

The Constitutional Convention act provided that the Convention should consider first, amendments necessary for the emancipation of slaves and, second, those necessary to restrict suffrage to loyal citizens and such other amendments essential to the public good.[53]

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[47]Ibid., p. 21.
[48]Appendix, Journal of Convention, June, 1863, p. 3.
[49]Ibid., p. 4.
[50]Laws, 1863-64, pp. 24-26.
[51]Ibid.
[52]Journal, Convention, 1865, p. 280.
[53]Laws, 1863-4, p. 25.

While the Convention decided to make a general revision of the Constitution, its decisions on the two enumerated matters were of greatest importance. The question of slavery was disposed of on the fifth day when an ordinance decreeing immediate and unconditional emancipation was passed by a vote of sixty to four.[54] The substance of this ordinance became section two of Article I of the new Constitution.

The suffrage question was of so much importance that the entire Article II was devoted to it. The general qualifications were substantially the same as in the Constitution of 1820 with two exceptions. An alien who had declared his intention to become a citizen of the United States not less than one year nor more than five years and who was otherwise qualified, could vote.[55] After January 1, 1876, all persons not qualified voters before that date must be able to read and write in order to vote, unless the inability was the result of physical disability.[56] Negro suffrage was not established by the Constitution but in 1867 the Legislature submitted an amendment for this purpose,[57] which was rejected by the voters in 1868. Two years later a similar provision was combined with an abrogation of the "ironclad oath" and other objectionable sections of the Constitution of 1865[58] and ratified later in the year by the voters.[59]

In the matter of disqualifications for voting, however, important changes were introduced. These made the Constitution of 1865 notorious and unpopular, and were the chief factors contributing to its revision. The disqualifications for voting, office holding and the practice of professions which had been introduced by the Convention during the war were continued and made much harsher and more sweeping, with the effect that practically all who had in any

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[54]Journal, Convention of 1865, pp. 25-27.
[55]Constitution, 1865, Art. II, Sec. 18.
[56]Ibid., Sec. 19.
[57]Laws, 1867, p. 12.
[58]Laws, 1870, p. 503.
[59]See below, p. 21.

way sympathized with the South were disqualified.[60] In order to enforce these restrictions, all persons affected were required to take an oath whose character is shown in the name "iron-clad oath" which came to be applied to it.[61] As regards the suffrage the restrictions were made more severe by the requirement for the registration of all voters under which the taking of the oath was a prerequisite to registration and voting, but not conclusive of the right to be registered or to vote which was finally passed upon by officials of registration.[62] The great opposition to these provisions is shown by the fact that though the Convention provided[63] that no one should vote on the ratification of the Constitution without taking the test oath there was only a very small majority in its favor.[64] The opposition continued and increased after the Constitution went into effect. The Legislature by an absolute majority in each house could suspend or repeal the disqualification of voters after January 1, 1871, and the disqualifications in other cases after January 1, 1875.[65] Public opinion, however, was not willing to wait. In 1866 the United States Supreme Court declared the disqualifications for the practice of professions unconstitutional,[66] and in 1870 the Legislature proposed a series of amendments abrogating the remaining disqualifications and the test oath.[67] These were ratified at the November election by an overwhelming majority. Finally, an amendment proposed in 1873[68] and ratified the following year, abolished the section requiring general registration of voters, and substituted a provision giving the Legislature authority to provide for registration in cities with more than ten thousand inhabitants.

The Constitution of 1865 omitted the articles in the

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[60]Constitution, 1865, Art. II, Sec. 3.
[61]Ibid., Secs. 5-14.
[62]Ibid., Sec. 5.
[63]Constitution, 1865, Art. XIII, Sec. 6
[64]Ante, p. 19.
[65]Constitution, 1865, Art, II, Sec. 25.
[66]Cummings v. Missouri, 4 Wall. 277.
[67]Laws, 1870, pp. 502-504.
[68]Laws, 1873, p. 401.

Constitution of 1820 dealing with boundaries, internal improvement and permanent seat of government but added separate articles dealing with suffrage and impeachments. While it had one less article it had increased in size about fifty per cent and contained a total of about 15,000 words. About one-half of this increase was due to the suffrage article. The articles dealing with declaration of rights, banks and corporations, education, miscellaneous provisions and mode of amending the Constitution were also somewhat expanded, the latter article now including specific provision for a Constitutional Convention[69] and changing the process of amendment to the popular referendum proposed by the Constitution of 1845[70] except that the Legislature was unrestricted as to time in the proposal of amendments, and ratification now required only a majority of the votes cast on the amendments instead of a majority of the votes at the election.[71] This was an early recognition of one of the chief defects of popular referendum—the failure of the voters to cast a vote either yes or no on the proposition.

While the expansion of the Constitution was not as yet due to the inclusion of numerous positive restrictions upon the Legislature, some of these appear at this time. The power of special legislation had been abused[72] and the Legislature was expressly forbidden to enact special laws in thirteen classes of cases.[73] Moreover, it was not to pass any special law for any case in which a general law could be made applicable.[74] However, as the Supreme Court held that the question of applicability was left to the decision of the Legislature[75] the latter did not constitute an effective limitation. While the provision limiting the amount of the State debt which was adopted in 1859[76] was not included,

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[69]Constitution, 1865, Art. XII, Sec. 3.
[70]Ante, p. 14.
[71]Constitution, 1865, Art. XII, Sec. 2.
[72]See table in Harper, Local and Special Legislation in Missouri, Manuscript in Library of University of Missouri.
[73]Constitution of 1865, Art. IV, Sec. 27, Art. VIII, Secs. 4, 5.
[74]Ibid.
[75]Henderson v. County Court of Boone County, 50 Mo. 317.
[76]Ante, p. 17.

it was provided that the credit of the State should not be given or loaned in aid of any person or corporation and that this should not be done in the case of any county or local subdivision without the consent of two-thirds of the voters of such subdivision.[77] There was also apparent a tendency to introduce additional restrictions upon legislative procedure and at this time was established the provision that for the passage of bills an absolute majority with the yeas and nays entered upon the journal should be required.[78]

In the House of Representatives the basis of representation was determined according to the general plan adopted in 1849.[79] The divisor, however, was two hundred instead of one hundred and forty, resulting in a relatively smaller ratio and a larger House.[80] While this was advantageous to the larger counties it was offset by an increase in the number of ratios required for additional Representatives. While each county with one ratio or less was to have one Representative, it took two additional ratios to secure a second Representative and for each additional Representative three ratios were required. This plan discriminated in favor of the smallest counties but operated proportionally among the larger counties, differing in this regard from the provisions of 1849 and the plan adopted in the Constitution of 1875. The single ticket plan of representation was introduced at this time, the county court being required to divide the county into as many compact and convenient districts as the number of representatives to which it is entitled, the districts to be as nearly as may be of equal population.[81] The same principle also was now established for the Senate which was to consist of thirty-four members each chosen for a separate district. The districts were to be fixed by the Legislature, except in counties entitled to more than one

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[77]Constitution, 1865, Art. XI, Secs. 13, 14.
[78]Constitution, 1865, Art. IV, Sec. 24.
[79]Ante, p. 16.
[80]Constitution, 1865, Art. IV, Sec. 2.
[81]Ibid.

Senator, where they were to be determined by the county court as in the case of Representatives.[82]

The principle of popular election as it had been extended in 1851 was retained for officials of the Executive and Judicial Departments except that the office of Registrar of Lands was no longer mentioned.[83] The terms of the executive officials except the Superintendent of Schools were reduced from four to two years.[84] Provision was made for dividing the State outside of the county of St. Louis into not less than five districts, each to embrace at least three judicial circuits. The circuit judges in each district were to constitute a district court which was to be an intermediate court of appeal between the circuit and Supreme Court.[85] The judges of the circuit court of St. Louis county sitting as a court in banc constituted a similar court.[86] In 1870, however, the Legislature proposed an amendment abolishing the district courts[87] and this was ratified by the voters. Two years later an amendment[88] was ratified which increased the number of Supreme Court Judges to five and their terms to ten years.

Leaving aside sections such as suffrage and slavery, which were the direct outgrowth of the war, the Constitution of 1865 did not constitute any radical departure from its predecessor, as the latter had been modified by amendments adopted from time to time as indicated above. While provisions were incorporated for the purpose of checking or preventing certain evils which had arisen there is not manifest any striking tendency to place undue restrictions upon the Legislature.

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[82]Constitution, 1865, Art. IV, Secs. 4-6.

[83]Constitution, 1865, Art. V, Sec. 16; Art. VI, Secs. 7, 14.

[84]Ibid., Art. V, Secs. 3, 12, 16; Art. IX, Sec. 3. The treasurer had a two-year term under the Constitution of 1820, Art. III, Sec 31.

[85]Ibid., Art. VI, Sec. 12.

[86]Ibid., Art. VI, Sec. 15.

[87]Laws, 1870, p. 500.

[88]Laws, 1871-72, Resolutions, p. 3.

Constitutional Convention of 1875.

While there is evidence that after the elimination of the "iron-clad oath" and its accompanying sections the people were fairly well satisfied with the Constitution of 1865, the overthrow of the radical Republicans in the election of 1870 made it inevitable that their chief work should be subjected to attack. In his inaugural message in 1871, Governor B. Gratz Brown advised the Legislature to consider the question of a Constitutional Convention.[89] Two years later, at the conclusion of his term, he renewed his recommendation in stronger words.[90] At the same time, the new Governor, Silas Woodson, a moderate Democrat who had been chosen as a compromise candidate, in his inaugural address, spoke at length upon the subject.[91] While recognizing that the Constitution still contained some objectionable provisions, he was unwilling to recommend a convention because of the expense and the danger that it would be a partisan body. He stated that both branches of the Republicans were opposed to revision and while some Democrats agreed with them he believed that Democrats only favored the proposition. Moreover, he believed that defects in the Constitution could be remedied by amendments proposed by the Legislature. Governor Woodson evidently became converted to the prevailing sentiment of his party as on March 25, 1874, he approved the "Act to authorize a vote of the people to be taken upon the question whether a convention shall be held for the purpose of revising and amending the Constitution of this State."[92] That he was right in his estimate of the opposition to the measure is shown by the fact that at the election the following November the proposition carried by a majority of only 283 in a total vote of 222,315.[93]

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[89]Senate Journal, 26th General Assembly, p. 33.
[90]Senate Journal, 27th General Assembly, p. 20.
[91]Ibid., pp. 64-66.
[92]Laws, 1874, p. 57.
[93]Encyclopedia of the History of Missouri, Vol. II, p. 113.

Under the provisions of the Constitution,[94] the Governor ordered an election to be held on January 26, 1875, at which two delegates were elected from each of the thirty-four senatorial districts, In accordance with the act of 1874,[95] the Convention met in the Capitol at Jefferson City on May 5, 1875. It was in session about one week less than the Convention of 1865, adjourning on August 2, 1875. The Constitution was adopted by the unanimous vote of the sixty members present and was later signed by all sixty-eight members. It was ratified at a special election on October 30, 1875, by the large majority of 76,688.[96] The total vote, 91,205, was only forty-one per cent of the vote cast the preceding November on the question of holding a Convention. The fact that the vote on the question of ratification was cast at a special election is probably the chief cause for the decrease, The large increase in the majority was doubtless due to popular approval of some of the changes proposed by the Constitutional Convention. Before adjourning the Convention unanimously adopted an address to the people containing a "brief statement of the more important changes proposed, with some of the advantages supposed to result from these changes."[97] While some of the benefits anticipated have not been realized, the statement is of much value as an expression of the opinion of those who were instrumental in drafting the new provisions.

The most obvious difference between the new Constitution and its predecessors is in its size, which showed an increase of nearly 200 per cent over the Constitution of 1820 and of 100 per cent over that of 1865. In seeking an explanation for this increase it is first to be noted that the Constitution of 1875 consisted of fifteen articles and a schedule. A brief article dealing with boundaries was restored and two new articles devoted to counties, cities and towns and

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[94]Constitution of 1865, Art. XII, Sec. 3.
[95]Laws, 1874, p. 57.
[96]Encyclopedia of History of Missouri, Vol. II, p. 114.
[97]See below, p. 876.

to revenue and taxation were now added. These two articles account for about one-third of the increase over the Constitution of 1865. There was a considerable decrease in the size of the article dealing with suffrage and elections which was more than offset by increases in the articles dealing with the judiciary, education, corporations and militia. The greatest increase, however, is found in the article on the Legislative Department, which expanded more than 200 per cent. As the provisions in the articles on counties, cities and towns, revenue and taxation, and the other articles indicated above are in effect almost entirely limitations upon legislative power it may be concluded that the expansion in the size of the Constitution was due to a growing lack of confidence in the Legislature and to the desire of the people to regulate matters for themselves. Each of these causes would lead to the placing of restrictions upon the Legislature, the former in a positive form while the latter would result in placing in the Constitution regulations in detail which would constitute a check upon legislative action regarding such matters.

There is plenty of evidence that there had developed a lack of confidence in the Legislature. This was manifested by provisions in the Constitution of 1865 and constitutional amendments adopted from time to time as well as in messages of Governors McClurg, Brown, Woodson and Hardin.[98] Among the most important causes for this popular distrust was the abuse of the power of special legislation and the policy of authorizing State and local aid for railroads. As a result of the latter the State as well as counties, townships, cities and other local subdivisions had incurred large debts with resulting increase of taxes. The Civil War and later the panic of 1873 had increased the difficulties of the situation and had caused serious embarrassment in State and local finances.[99] The members of the Constitutional Convention had personal experience with

[98] Senate Journals; 1871, pp. 19, 20; 1873, p. 27; 1874, p. 17; 1875, pp. 27, 40.
[99] Million, *State Aid to Railways in Missouri.*

these conditions and their constituents were demanding relief and safeguards for the future. As a result the Constitution of 1875 was distinguished for possessing greater restrictions upon legislative power than any of its contemporaries in other states and today there are few state constitutions which can compare with the strictness of its provisions.[100]

Some members of the Convention wished to change the prevailing rule of interpretation of the powers of the Legislature by providing that the General Assembly should have only such powers as are granted to it.[101] While this extreme position was not adopted, the prevailing tendency is shown by the fact that in drafting the article on the Legislature the Convention set off sections 43 to 56 inclusive under the specific title, "Limitation of Legislative Power." As previously indicated, however, important limitations upon legislative power are contained in other articles.

In considering the restrictions upon the Legislature introduced by the Constitution of 1875, it is natural to begin with financial limitations as these were the most striking and of greatest significance. In the endeavor to prevent the impairment of public credit through the creation of large debts, the Convention did not follow the policy adopted in 1859[102] of fixing a maximum but returned to the plan proposed in the Constitution of 1845,[103] increasing the amount of debt which could be incurred from the $25,000 proposed in 1845 to $250,000, but requiring for any debt in excess of this amount the consent of two-thirds of the voters instead of a mere majority as under the earlier plan.[104] The same general plan was followed as regards counties, cities, school

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[100]Dry, *The Article on the Legislature in the Missouri Constitution of* 1875. Manuscript in Library of University of Missouri. This graduate dissertation is a study of the evolution of the Article on the Legislature in the Constitutional Convention of 1875, and includes a comparison of its provisions with those of similar articles in the Constitutions of 1820 and 1865 and in contemporary constitutions in other American states.

[101]Ibid., pp. 121-123; see below, p. 175.

[102]Ante, p. 17.

[103]Ante, p. 17.

[104]Constitution, 1875, Art. IV, Sec. 44.

districts and other subdivisions. No debt could be incurred in any year in excess of the revenue for such year without the consent of two-thirds of the voters, but there was the further important restriction that even with such consent the total debt of any such locality should not exceed five per cent of the value of the taxable property of such district, except for the erection of a court house or jail.[105] It was also required that in all such cases provision must be made for a tax sufficient to pay the interest and to retire the principal within thirteen years in the case of the State and within twenty years in other cases. There was also retained the provision of the Constitution of 1865[106] prohibiting the giving, loaning, or pledging of the credit of the State in aid of any person or corporation[107] and counties and other local subdivisions were now subject to a similar requirement,[108] instead of being permitted to do this with the consent of the voters as in 1865.[109]

The power of raising revenue by taxation was also seriously restricted. The Constitution of 1865 provided that no property should be exempt from taxation except that used exclusively for public schools, and that belonging to the United States, the State and local subdivisions.[110] Aside from this provision the Constitutions of 1820 and 1865 left the Legislature entirely free in establishing the system of taxation. While the Constitution of 1875 modified the above restriction by permitting the Legislature to enact general laws exempting a limited amount of property from taxation when used exclusively for educational, religious or charitable purposes,[111] it went much further in the other direction and imposed restrictions upon the power of the Legislature to determine the kind and rate of taxation and its method of assessment and apportionment for State and

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[105]Ibid., Art. X, Sec. 12.
[106]Ante, p. 23.
[107]Constitution, 1875, Art. IV, Sec. 45.
[108]Ibid., Sec. 47.
[109]Ante, p. 23.
[110]Constitution, 1865, Art. XI, Sec. 16.
[111]Constitution, 1875, Art. X, Sec. 6.

local purposes. The general property tax system had been established for many years as a result of legislative enactment, but the provisions of Article X of the Constitution of 1875 made this system compulsory upon the Legislature. As the evil results of uncontrolled local assessments had made themselves manifest, the Constitution provided for a State Board of Equalization.[112] Unfortunately, however, by providing that this board should consist of the Governor, State Auditor, Treasurer, Secretary of State and Attorney-General, the Constitution prevented the Legislature from establishing an efficient central control over the local assessing officials.

A low maximum tax rate was fixed for State purposes,[113] and local authorities in counties, cities and towns and schools were limited by the establishment of similar maximum rates.[114] The latter rates could be increased for the purpose of erecting public buildings when approved by two-thirds of the voters and for general school purposes a higher rate, not exceeding a second maximum, could be voted by a majority of the taxpaying voters.[115] As these maximum rates were not established on any logical basis, serious inconvenience and hardship have resulted from their operation. Thus, for example, the maximum rate for State purposes was fixed at twenty cents on the hundred dollars valuation of property but it was provided that when the taxable property of the State amounted to nine hundred million dollars the rate should not exceed fifteen cents. When in 1892 it became necessary to reduce the rate to fifteen cents because the valuation exceeded nine hundred million there was an actual loss in State revenue from this source of nearly four hundred thousand dollars for that year.[116] The rates for local purposes were even more illogical and arbitrary. In the case of counties they varied according to assessed value, in some cases increasing and in others decreasing with

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[112]Ibid , Sec. 18.
[113]Ibid., Art. X, Sec. 8.
[114]Ibid., Art. X. Sec 11.
[115]Ibid.
[116]Report, State Auditor, 1891-92, p. 21.

an increase in the valuation. In cities the basis was population and here the arrangement was more scientific as the rates uniformly increased with increase in population. There was a flat rate of forty cents for school purposes in all districts but this could be increased in the manner indicated above to one dollar in town and city school districts, while without any rational basis of distinction, rural school districts were restricted to sixty-five cents.

The legislative power of apportioning taxes was restricted by provisions requiring all property to be taxed in proportion to its value,[117] and establishing the rule of uniformity as regards the same class of subjects within the territorial limits of the taxing authority.

The Constitution likewise limited the legislative power to control expenditures. Both of the previous Constitutions had provided that no money should be paid out of the treasury except as appropriated by law,[118] and an amendment adopted in 1870 had prohibited any appropriation or donation by the State or localities in aid of any religious purpose or organization.[119] The Constitution of 1875 not only continued these restrictions,[120] but added others of importance. The order in which appropriations should be made was set forth under seven heads, the last including appropriation for the pay of the General Assembly with the evident purpose of insuring that none of the preceding items would be omitted or overlooked before adjournment.[121] The third item of appropriation was for free public school purposes. The Constitution also provided that not less than 25 per cent of the State revenue, exclusive of the interest and sinking funds, should be set aside annually for the support of public schools.[122] The Legislature was also forbidden to give or to authorize any county or other

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[117]Constitution, 1875, Art. X, Sec. 4.
[118]Constitution, 1820, Art. III, Sec. 31; Constitution, 1865, Art. XI, Sec. 6.
[119]Laws, 1870, p. 501.
[120]Constitution, 1875, Art. IV, Sec. 43; Art. XI, Sec. 11.
[121]Ibid., Art. IV, Sec. 43.
[122]Ibid., Art. XI, Sec. 7.

locality to give public money or thing of value to any individual or corporation except in case of public calamity.[123]

Second in importance only to the financial limitations were the restrictions upon special legislation. As previously indicated,[124] this power of the Legislature had been abused, with the result that the Constitution of 1865 prohibited its exercise in thirteen classes of cases and undertook to prevent it in all cases in which a general law could be made applicable. While the prohibition prevented special legislation in the cases enumerated, the latter provision was not effective as the Legislature could determine the question of applicability. Hence the evil continued during the next decade, the percentage of local and special acts exceeding that of public general laws.[125]

The members of the Constitutional Convention of 1875 were well aware of the extent and evils of special legislation and they proceeded to adopt effective limitations. In the first place the number of cases in which the Legislature was absolutely forbidden to enact special laws was increased to thirty-two.[126] In the next place while the Constitution of 1865 was followed in forbidding special legislation in all cases where a general law could be made applicable, the entire matter of applicability was expressly made a judicial question to be "judicially determined without regard to any legislative assertion on that subject."[127] While the Legislature retained the power of repealing existing special laws it was forbidden to indirectly enact a special law by the partial repeal of a general law.[128] Finally, for the cases outside of the enumerated classes where a general law could not be made applicable, the Legislature's power to enact a special law was restricted by a provision requiring publicity of the proposed measure for thirty days prior to its introduction

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[123]Ibid., Sec. 46, 47.

[124]Ante, p. 22.

[125]See table in Harper, *Local and Special Legislation in Missouri*, Manuscript in Library of University of Missouri.

[126]Constitution, 1875, Art. IV, Sec. 53.

[127]Ibid.

[128]Ibid.

as a bill.[129] The effectiveness of these restrictions is shown in the great reduction in the mass of legislation following the inauguration of the Constitution of 1875. The average number of pages in the session acts of a General Assembly during the decade after the adoption of the Constitution was only 275 as compared with 769 during the preceding ten years.[130]

Among the matters concerning which the Legislature was forbidden to enact special laws there were a number affecting counties, cities, townships, etc. The subject of local government, moreover, had assumed so much importance that a separate article was devoted to counties, cities and towns, and the Legislature's power in the field was correspondingly reduced. Provisions which already existed regarding changes in the size of counties and removal of county seats were continued and amplified.[131] While the Constitution did not undertake to regulate county organization in detail, it provided as did the Constitutions of 1820 and 1865 for the election of a sheriff and coroner in each county.[132] Provision was also made for a county court to transact county business[133] and express constitutional authorization was given for a township organization law which could be adopted by the voters of any county.[134] While the Constitution forbade special legislation regarding cities, it did not make a single uniform organization necessary. The Legislature was authorized to classify cities in not exceeding four groups and to make provisions by general law so that the cities in each class would possess the same powers.[135]

It is interesting to note, moreover, that despite the restrictions upon special legislation, the Constitution recognized the necessity for it in the case of large cities but left such

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[129]Constitution, 1875, Art. IV, Sec. 54.
[130]Harper, *Local and Special Legislation in Missouri.*
[131]Constitution, 1875, Art. IX, Secs. 2-5.
[132]Ibid., Secs. 10, 11.
[133]Constitution, 1875, Art. VI, Sec. 36.
[134]Ibid., Art. IX, Secs. 8, 9.
[135]Ibid., Sec. 7.

power in the hands of the voters of the city. This was done through the invention of the "home rule charter" provision. While this was introduced for the benefit of St. Louis,[136] similar sections were adopted for any city with more than one hundred thousand inhabitants.[137]

Under these provisions the voters of the city may elect a board to draft a charter subject to certain constitutional restrictions and if this charter is later ratified by the voters it bec)mes the organic law of the city. While the "home rule" provisions do not entirely exempt the cities from control by the Legislature,[138] they give them much greater freedom in determining their organization and activities and are justly regarded as a valuable c)ntribution to the betterment of city government not only in Missouri but in many other states.[139] It should finally be noted in this connection that the provisions of the Constitution regarding St. Louis authorized the separation of the city from the county and provided that after such separation the city for purposes of representation in the Legislature, collection of State revenue, and all other functions in relation to the State, should be treated in the same manner as if it were a county.[140]

Before leaving the subject of limitations upon the Legislature it is desirable to note the introduction in the Constitution of 1875 of numerous provisions restricting legislative procedure. A few regulations of this nature appeared in the Constitution of 1820 and these were expanded in 1865. In 1875, however, the subject was considered so important that nineteen sections of the legislative article were grouped under the title "Legislative Proceedings."[141] These included the restrictions which had appeared in previous constitutions with significant changes and additions, all indicating distrust of the Legislature and desire

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[136]Ibid., Secs. 20-25.

[137]Ibid., Secs. 16, 17.

[138]See for a discussion of the decisions of the Supreme Court on this point, Harper, *Local and Special Legislation in Missouri.*

[139]See McBain, *Law and Practice of Municipal Home Rule.*

[140]Constitution, 1875, Art. IX, Secs. 20-25.

[141]Constitution, 1875, Art. IV, Secs. 24-42.

to establish safeguards against hasty and ill considered legislation. It was specifically provided that no law should be passed except by bill[142] which must be reported upon by a committee, printed and read on three different days in each house.[143] The proviso in former Constitutions[144] giving each house by a two-thirds vote the power to suspend the latter rule was now omitted. The requirement for an absolute majority on a yea and nay vote for the passage of bills, introduced in 1865[145] was retained,[146] and the same rule was now applied to the approval by one house of amendments to its bills which have been adopted by the other and to the adoption of reports of conference committees.[147]

As in 1845 and 1865, the most important question relating to the organization of the Legislature was that of the basis of representation in the lower House. The proposals submitted by members of the Convention ranged from that of representation proportional to population as in the Senate, to that of one Representative for each county, regardless of its size.[148] The St. Louis members naturally favored the former plan, but as they recognized that it was hopeless, they concentrated their strength upon the demand for a reduction in the number of ratios required for additional Representatives. While they were not completely successful in their efforts and insisted upon presenting a minority report, the plan recommended by the committee and adopted by the Convention was more favorable to the larger counties than that contained in the Constitution of 1865.[149]

The ratio was determined in the same manner, by dividing the population of the State by two hundred.[150] As before, each county with one ratio or less was to have one Representative. However, instead of two additional ratios

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[142]Ibid., Sec. 25.
[143]Ibid., Secs. 26, 27.
[144]Constitution, 1820, Art. III, Sec. 21; Constitution, 1865, Art. IX, Sec. 23.
[145]Constitution, 1865, Art. IV, Sec. 24.
[146]Constitution, 1875, Art. IV. Sec. 31.
[147]Ibid., Sec. 32.
[148]Dry, *The Article on the Legislature in the Missouri Constitution of 1875*, pp. 11-35, Manuscript in Library of University of Missouri.
[149]Constitution, 1865, Art. IV, Sec. 2.
[150]Constitution, 1875, Art. IV, Sec. 2.

for the second Representative and three additional ratios for each additional Representative, as fixed in the Constitution of 1865, it was now provided that one and one-half additional ratios should be sufficient for the second Representative, the same number for the third, two additional ratios for the fourth and two and one-half additional ratios for each additional Representative in excess of four.[151] Under the plan adopted it was estimated that the larger counties would receive twelve additional Representatives and that of these St. Louis county, including the city of St. Louis, would receive three.[152] While the new system was not nearly so favorable to the more populous counties as the provision in the proposed Constitution of 1845,[153] it was less discriminating than the plan included in the amendment of 1849,[154] and marked a distinct advance over the provisions in the constitution of 1865.[155]

The single ticket plan of representation introduced in 1865 was retained, though provision was made that when any county was entitled to more than ten representatives the circuit court should divide the county into districts so as to give each district not less than two, nor more than four Representatives.[156] No change was made in the apportionment of Senators but, as a check upon gerrymandering, it was provided that the districts should be "as nearly equal in population as may be,"[157] and that in districts containing two or more counties the latter should be contiguous, the districts as compact as may be, and in the formation of the same no county should be divided.[158] Moreover, as the Legislature after the census of 1870 had failed to redistrict the State, it was now provided that in the event that the Legislature should fail or refuse to divide the State into

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[151]Ibid.
[152]See below, p. 877.
[153]Ante, p. 15.
[154]Ante, p. 16.
[155]Ante, p. 23.
[156]Constitution, 1875, Art. IV, Sec. 3.
[157]Ibid., Sec. 5.
[158]Ibid., Sec. 9.

senatorial districts after each decennial census, such duty should be performed by the Governor, Secretary of State and Attorney-General.[159]

As a result of the tendency of the Legislature to hold adjourned sessions, the rule of annual sessions had practically been introduced. This was now prevented by the provisions that the General Assembly should meet in regular session once only in every two years,[160] and that any adjournment or recess for more than three days should constitute an adjournment *sine die*.[161] Additional evidence of a prevailing belief that there was too much legislation is found in the adoption of a plan for restricting the length of the session which was introduced by the amendment of 1849 but abolished again in 1857.[162] As reintroduced in the Constitution of 1875, it fixes a maximum compensation of five dollars a day for members of the Legislature with the provision that after the first seventy days of the session this shall be reduced to one dollar except that in a revising session the reduction does not take effect until after the first one hundred and twenty days of the session.[163] Compensation for mileage, stationery, etc., was also strictly regulated.[164]

The tendency to restrict the Legislature manifested itself also in the form of increased power for the Executive. The number required to overcome the Governor's veto was now increased from the majority required under previous constitutions to two thirds of all the members elected to each house.[165] Moreover, the content of the power was enlarged by giving the Governor authority to veto specific items in appropriation bills.[166] Finally, recognition of the fact that there is a great congestion of bills at the close of a session resulted in giving the Governor thirty days within

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[159]Ibid., Sec. 7.
[160]Ibid., Sec. 20.
[161]Ibid., Sec. 21.
[162]Ante, p. 17.
[163]Constitution. 1875, Art. IV., Sec. 16.
[164]Ibid.
[165]Ibid., Sec. 39.
[166]Constitution, 1875, Art. V, Sec. 13.

which to approve or disapprove any measure presented to him within ten days of the adjournment of the Legislature.[167] The provision of the Constitution of 1865 preventing the Legislature in special session from acting upon any matter not included in the Governor's proclamation[168] was retained with the addition that the Governor could recommend other matters by special message after the Legislature had convened.[169] In addition to the requirement existing in previous Constitutions, that the Governor should recommend measures to the Legislature, there now appeared the provision that at the beginning of each regular session he should present estimates of the amount of money required to be raised by taxation of all purposes.[170] This provision taken in connection with the Governor's power to veto specific items in appropriation bills, appears to contain the germ of an executive budget system.

The organization of the Executive Department was not materially changed. The two-year term for elective State executive officials introduced in 1865 for all except the Superintendent of Schools,[171] was now abandoned and the four-year term of the Constitution of 1820 restored, the Governor and Treasurer being ineligible to re-election as their own successors.[172] A number of ex-officio boards were provided including the State Board of Equalization,[173] and Board of Education,[174] which had been created in 1865.[175]

There was no important change made in the organization of the Supreme or circuit courts but the congested docket of the former led to the creation of the St. Louis Court of Appeals which it was hoped would dispose finally of many cases and thereby relieve the Supreme Court. This court was limited in its jurisdiction to the City of St.

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[167]Ibid., Sec. 12.
[168]Constitution of 1865, Art. V, Sec. 7.
[169]Constitution, 1875, Art. IV, Sec. 55.
[170]Ibid., Sec. 10.
[171]Ante, p. 24.
[172]Constitution, 1875, Art. V, Sec. 2.
[173]Ibid., Art. X, Sec. 18.
[174]Ibid., Art. XI, Sec. 4.
[175]Constitution, 1865, Art. IX, Sec. 3.

Louis and the counties of St. Louis, St. Charles, Lincoln and Warren, and it was to consist of three judges elected for terms of twelve years by the voters of the city and counties named.[176] The provisions of previous constitutions which required the Supreme Court to be held in different districts of the State[177] were now eliminated and all of its terms were to be held at the State capitol.[178] A section of the Constitution of 1865 which required the Supreme Court to give its opinion upon questions of constitutional law, when required by the Governor or either house of the Legislature,[179] was also omitted at this time.

The Constitution of 1865 had introduced into the declaration of rights, provisions enabling property to be forfeited for treason,[180] restricting the amount of land which could be held by religious corporations,[181] and declaring void gifts and transfers to them or for their benefit.[182] These provisions had aroused considerable hostility and they were eliminated by the Constitutional Convention of 1875. It was also provided that a grand jury should consist of twelve men of whom nine could find an indictment and that in courts not of record a jury could consist of less than twelve[183].

Suffrage as defined in the Constitution of 1875[184] was not materially different from that of the Constitution of 1865 after the adoption of the amendments of 1870.[185] The one important exception was the failure to include the educational qualification of the Constitution of 1865,[186] which was not to become effective until January 1, 1876, and hence never came into operation. Some changes were made regarding registration. It will be recalled that the general registration which was associated with the "iron

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[176]Constitution, 1875, Art. VI, Secs. 12, 13.
[177]Constitution, 1820, Art. V, Sec. 5; Constitution, 1865, Art. VI, Sec. 5.
[178]Constitution, 1875, Art. VI, Sec. 9.
[179]Constitution, 1865, Art. VI, Sec. 11.
[180]Constitution, 1865, Art. I, Sec. 26.
[181]Ibid., Sec. 12.
[182]Ibid., Sec. 13.
[183]Constitution, 1875, Art. II, Sec. 28.
[184]Ibid., Art. VIII, Sec. 2.
[185]Ante, p. 21.
[186]Constitution, 1865, Art. II, Sec. 19.

clad oath" was unpopular and had been abolished in 1873 when the Legislature was given authority to provide for registration only in cities with more than ten thousand inhabitants.[187] The hostility still continued and the Constitution, while requiring the Legislature to enact registration laws for all cities and counties having more than one hundred thousand inhabitants, did not permit it to do this for any city which did not contain more than twenty-five thousand population.[188]

It has already been pointed out[189] that the Constitution required the Legislature to appropriate not less than 25 per cent of the general revenue of the State for the support of public schools. This marked a great advance in the development of the principle that public education was a matter of State as well as local concern. While the other provisions of the article on education followed the general model of the Constitution of 1865, some features were less progressive in character. Thus, for example, the age for free public school instruction, established by the Constitution of 1865, between five and twenty-one years,[190] was changed in 1875 to between six and twenty years.[191] The former Constitution contained a provision expressly authorizing the Legislature to enact a limited compulsory education law[192] but this was not included in the Constitution of 1875. The Constitution of 1865 required the Legislature, so far as possible, to incorporate all local school funds into the State public school fund and in distributing the annual income of the latter to take into consideration local funds so as to "equalize the amount appropriated for common schools throughout the state."[193] The Constitution of 1875, on the other hand, expressly recognized the county school funds and provided that the income therefrom should be appro-

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[187]Ante, p. 21.
[188]Constitution, 1875, Art. VIII, Sec. 5.
[189]Ante, p. 31.
[190]Constitution, 1865, Art. IX, Sec. 1.
[191]Constitution, 1875, Art. XI, Sec. 1.
[192]Constitution, 1865, Art. IX, Sec. 7.
[193]Ibid., Sec. 9.

priated for free public schools in the several counties.[194] While the Constitution of 1865 permitted the establishment of separate schools for children of African descent,[195] the Constitution of 1875 made this obligatory.[196] Both Constitutions provided for the State University, the Constitution of 1875 vesting its government in a board of nine curators appointed by the Governor with the consent of the Senate.[197]

The article on corporations was of much greater significance than in the other Constitutions. The Constitution of 1820 was concerned only with banking corporations.[198] The Constitution of 1865 prohibited the giving to banks the privilege of issuing bank notes and required the enactment of laws to enable existing banks of issue to reorganize as national banks.[199] It also contained a few sections relating to corporations in general. In the Constitution of 1875, however, the greater part of the article on corporations is devoted to railroads, thirteen of the twenty-seven sections relating to this subject. Railroads were declared public highways and railroad companies common carriers and the Legislature was authorized to fix reasonable maximum rates and to pass laws to prevent discrimination and to correct abuses.[200] Railroads were forbidden to give passes to any State, county or municipal officers and the latter were forbidden to accept such passes under penalty of forfeiture of office.[201] The prohibition upon the creation of corporations by special act had been introduced in 1865.[202] As a check upon the creation of corporations, a fee of fifty dollars was required for the first fifty thousand dollars or less of capital stock and a further sum of five dollars for each additional ten thousand dollars of stock.[203] State participa-

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[194]Constitution, 1875, Art. XI, Sec. 8.
[195]Constitution, 1865, Art. IX, Sec. 2.
[196]Constitution, 1875, Art. XI, Sec. 3.
[197]Constitution, 1865, Art. IX, Sec. 4; Constitution, 1875, Art. XI, Sec. 5.
[198]Ante, p. 9.
[199]Constitution, 1865, Art. VIII, Secs. 1, 3.
[200]Constitution, 1875, Art. XII, Sec. 14.
[201]Ibid., Sec. 24.
[202]Constitution, 1865, Art. VIII, Sec. 4; Constitution, 1875, Art. IV, Sec. 53; Art. XII, Sec. 2.
[203]Constitution, 1875, Art. X, Sec. 21.

tion in any bank was prohibited[204] and no corporation with banking powers, except deposit and discount, could be created except with the approval of a majority of the voters of the State. Bank officials were made civilly and criminally liable in case they received deposits or created debts after they had knowledge that the bank was insolvent or in failing circumstances.[205]

The article prescribing the mode of amending the Constitution was not different in any essential detail from the similar article in the Constitution of 1865. An amendment could be proposed by an absolute majority in each house, and ratified at the next general election by a majority of the voters voting on that proposition.[206] Any number of amendments may be proposed but each amendment must be submitted separately.[207] The Legislature was also authorized to submit to the voter the question of holding a Constitutional Convention. If a majority of the voters on that question were in favor of a Convention, the Governor was required to order an election of two delegates for each senatorial district. The Constitution as drafted by the Convention must be submitted to the voters at a special election and if ratified by a majority it will become the Constitution of the State at the end of thirty days after such election.[208]

Constitutional Amendments, 1875-1920.

The prolonged delay in publishing the journal of the Constitutional Convention of 1875 makes it possible to include with this survey of constitutional development an account of the amendments to the Constitution of 1875. This should be of value as indicating defects which existed or have developed in that instrument and the remedies suggested or put in operation. Ninety-nine amendments

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[204]Ibid., Art. XII, Sec. 25.
[205]Ibid., Sec. 27.
[206]Ibid., Art. XV, Sec. 2.
[207]This provision is construed in Gabbert v. C. R. I. & P. Ry. Co., 171 Mo. 84
[208]Constitution, 1875, Art. XV, Sec. 3.

have been proposed of which twenty-three have been approved by the voters, sixty-three have been rejected and thirteen remain to be acted on at the November election of 1920. Every General Assembly since 1875 except three has proposed one or more amendments. These figures become more impressive when it is pointed out that all but thirteen of these amendments have been submitted to the voters during this century, an average of nearly eight at each biennial election. A total of thirty amendments were voted upon at the three elections in 1910, 1912 and 1914. Only three amendments were submitted in 1916 and nine in 1918, but all records are broken by the thirteen amendments which will be presented to the voters next November. There is here evidenced a growing conviction that many of the provisions of the Constitution are no longer adapted to present conditions.

The fact that only a little more than 25 per cent of the amendments voted upon were ratified is due to two causes. First, many voters do not show much discrimination but manifest a strong tendency to vote the same way on all amendments. Thus at every election except in 1884, 1908 and 1916, all amendments submitted have been either all ratified or all rejected. At every election beginning with 1910 an amendment has been submitted involving prohibition, woman suffrage or the single tax, to all of which the majority of the voters were opposed. The result has been the defeat of all amendments except in 1916, when there were only three amendments submitted and an effective organization succeeded in creating sufficient public attention to ratify an amendment permitting the granting of pensions to the deserving blind. The second influence operating to cause the defeat of the process of Constitutional amendment has been the growing conviction that it is inadequate to remedy the defects of the existing situation; that amendments at best would be merely palliative and that what is needed is a general revision by a Constitutional Convention.

The first amendment to the Constitution of 1875 which was ratified by the voters was the outgrowth of the congested docket of the Supreme Court. As previously indicated, this condition existed in 1875 and the Constitutional Convention sought to correct it by creating the St. Louis Court of Appeals.[209] In 1882, an amendment increasing the number of Judges of the Supreme Court to six and dividing the court into two divisions[210] was rejected by the voters. Two years later the voters approved an amendment establishing the Kansas City Court of Appeals, dividing the counties of the State between this court and the St. Louis Court of Appeals and authorizing the Legislature to establish a third court of appeals and to change the districts and the pecuniary limit of jurisdiction of such courts.[211] The courts of appeals, however, did not relieve the Supreme Court of its burden and in 1890 an amendment was ratified which increased the number of Supreme Court Judges to seven and established a civil and a criminal division of such court.[212]

The congestion of cases still continued. In 1895 the Legislature sought to correct some of the difficulties growing out of questions of jurisdiction but the amendment[213] submitted was rejected by the voters. The same was true of an amendment proposed in 1907 increasing the number of Judges of the Supreme Court to nine and creating a third division. The Legislature in 1919 proposed a similar amendment[214] and also one increasing the number of judges of the St. Louis Court of Appeals to six[215] and these will be voted upon next November. While the Legislature has done something to relieve conditions by providing for Supreme Court Commissioners, the bar of the State has indicated its opinion that conditions demand a revision of the entire article relating to the Judiciary. Attempts to expedite the

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[209] Ante, p. 38.
[210] Laws, 1881, p. 228.
[211] Laws, 1883, p. 215.
[212] Laws, 1889, p 322.
[213] Laws, 1895, p. 286.
[214] Laws, 1919, p. 762.
[215] Laws, 1919, p. 763.

procedure in the lower courts are to be seen in amendments adopted in 1900 authorizing in civil cases a two-third's jury verdict in courts not of record and a three-fourths' jury verdict in courts of record,[216] making indictment and information concurrent remedies[217] and providing that a grand jury shall be convened only by order of a judge.[218]

The provision of the Constitution prohibiting the giving of public money or thing of value to any individual or corporation[219] prevented the granting of pensions to officials and employees. In 1892 an amendment was approved which permitted the Legislature to authorize cities to maintain pension funds for disabled firemen[220] but similar amendments regarding pensions for policemen proposed in 1903[221] and 1909[222] and for public school teachers proposed in 1909[223] were rejected. An attempt to grant authorization for pensions for the deserving blind[224] was defeated in 1914 but two years later a similar amendment[225] was approved. On account of the limited revenue the Legislature was unable to make an appropriation for such pensions. Hence, in 1919, it submitted an amendment requiring a special tax of not less than one-half of one cent and not more than three cents on the one hundred dollars' valuation to be levied for this purpose. This will be voted on next November.[226]

Limitations upon the financial powers of the State and its local subdivisions have been responsible for most of the amendments proposed and adopted. It is impossible to go into detail regarding these amendments. The following statement regarding those which have been approved will give some idea of the nature of the difficulties which have

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[216]Laws, 1899, p. 381.
[217]Ibid., p. 382.
[218]Ibid.
[219]Ante, p. 31.
[220]Laws, 1891, p. 221.
[221]Laws, 1903, p. 278.
[222]Laws, 1909, p. 908.
[223]Ibid.
[224]Laws, 1913, p. 782.
[225]Laws, 1915, p. 411.
[226]Laws, 1919, p. 759.

arisen. In 1900 the voters ratified an amendment[227] authorizing the levy of a special road tax but exempting St. Louis, Kansas City, and St. Joseph from its provisions. Similar amendments, without the exemption, had been rejected in 1884[228] and 1886[229] and one applying only to counties with less than 100,000 inhabitants was rejected in 1894.[230] In 1906 the Missouri Supreme Court declared the amendment adopted in 1900 invalid as the exemption of the three cities violated the Fourteenth amendment of the Constitution of the United States.[231] Finally, in 1908, the voters approved a similar amendment applying to all counties without any exemption.[232]

In 1900 there were also approved three other amendments of financial significance. Two had to do with the St. Louis World's Fair, authorizing St. Louis to aid it by issuing five millions in bonds[233] and the Legislature to appropriate one million dollars from the State sinking fund for an exhibit at the Fair.[234] The third amendment which provided for taxing mortgages as interests in the property mortgaged and for dividing the assessment between the mortgagor and mortgagee,[235] was held to be in conflict with the Constitution of the United States[236] and was repealed by an amendment[237] adopted in 1902.

By 1901, the State bonded debt had been reduced to a small amount which it was clear would be extinguished in the near future. There remained, however, certificates of indebtedness to the public school and state seminary funds which had been created by the using of these funds for the purchase and retirement of equivalent amounts of State bonds. As the certificates furnished a safe and profitable

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[227]Laws, 1905, p. 313.
[228]Laws, 1883, p. 217.
[229]Laws, 1885, p. 255.
[230]Laws, 1893, p. 273.
[231]Johnson v. C. B. & Q. Ry. Co., 195 Mo. 228.
[232]Laws, 1909, p 906.
[233]Laws, 1905, p. 316.
[234]Ibid., p. 317.
[235]Ibid., p. 315.
[236]Russell v. Croy, 164 Mo. 69.
[237]Laws, 1905, p. 317.

investment for the two funds, the Legislature submitted an amendment making them practically perpetual but providing for the investment of future accumulations in these funds in approved county, municipal and school district bonds.[238] The same amendment made provision for a State interest tax not exceeding three cents on the hundred dollars' valuation to pay the interest on these certificates. This amendment was ratified in 1902.

On account of the increasing population of cities, the limitations upon their financial powers became a matter of serious concern. In 1902 an amendment was approved which authorized St. Louis to levy in addition to the rate allowed by the Constitution for municipal purposes, the rate which would be allowed for county purposes if St. Louis were part of a county.[239] At the same time was ratified an amendment which enabled St. Louis and Kansas City in computing their total bonded debt for the purpose of the five per cent maximum established by Section 12 of Article X of the Constitution,[240] to exclude all bonds issued in connection with their municipally owned waterworks and in the case of St. Louis all bonds assumed by the city at the time of its separation from the county.[241] Of the same general character was another amendment approved at the same time which authorized cities between 2,000 and 30,000 inhabitants to become indebted an additional five per cent for the purpose of constructing municipally owned water works or electric light plants.[242] Finally, in 1906, an amendment was adopted which permitted a county to become indebted in excess of the five per cent maximum for road and bridge purposes.[243] While this amendment was under consideration in the Legislature a clause was added providing that Section 12 of Article X should not apply to counties containing cities with 100,000 inhabitants nor to cities with

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[238]Laws, 1905, p. 318.
[239]Ibid.
[240]Ante, p. 29.
[241]Laws, 1905, p. 320.
[242]Laws, 1905, p. 324.
[243]Laws, 1909, p. 905.

over 300,000 inhabitants. This proviso, however, was not set forth in the amendatory clause of the resolution and hence under the ruling in Gabbert v. C. R. I. & P. Ry. Co., 171 Mo. 84, did not become a part of the amended section.

The evils arising out of constitutional provisions limiting in detail the financial powers of the Legislature and local subdivisions and the difficulty of correcting these by the process of amendment are well illustrated by the history of Section 12 of Article X of the Missouri Constitution. It is, of course, obvious that a debt incurred for a productive expenditure should not be subject to the same restrictions as those incurred for nonproductive purposes. Hence there was adequate justification for the two amendments adopted in 1902 giving St. Louis and Kansas City and cities between 2,000 and 30,000 inhabitants greater debt incurring power for the purpose of municipal ownership of public utilities. But the amendments being specific instead of general in character, could not of course provide for future contingencies and hence the demand for new amendments continued to arise. In the first place, the situation was complicated by a decision of the Supreme Court holding that the second five per cent permitted under the amendment of 1902 must be restricted to debts for water works or electric light plants and that even if a city had used up part or all of its first five per cent debt allowance for either or both of these purposes it could not use the second five per cent for other purposes such as the building of a sewer system.[244] In other words, a city must build its public buildings, sewers, etc., first and later construct its water works and electric light plant.

In the second place, there were other public utilities such as gas works, heating plants, street railways, etc., coming under the head of productive expenditures which clearly could not take advantage of the second five per cent authorized by the amendment of 1902. Finally, that amendment was restricted to cities between 2,000 and 30,000

[244]State v. Wilder, 197 Mo. 1.

inhabitants and could afford no relief to cities outside this group, for example, Joplin and Springfield since 1910, St. Joseph and, except as regards water works, St. Louis and Kansas City. While none of the amendments for securing relief in these matters has been ratified in recent years for the reasons indicated above,[245] their proposal by the Legislature indicates the urgency of the need. In 1907 an amendment was proposed to overcome the difficulty created by the decision of the Supreme Court in the Wilder case.[246] It provided that any debt previously or thereafter incurred for water works or electric light plants should not be considered in determining the original five per cent for which the cities concerned could become indebted. Another amendment in the same year proposed to authorize cities with 100,000 inhabitants to become indebted an additional five per cent for the purpose of acquiring subways[247] and the same amendment was proposed again in 1913[248] but all met the same fate. At the same time was rejected an amendment proposing to authorize Kansas City to issue public utility bonds to an amount not exceeding an additional twenty per cent of its assessed valuation for the purpose of acquiring any public service utility for the use of its citizens.[249] The principal of these public utility bonds was not to constitute an obligation of the city enforcible out of funds raised by taxation.

At the election in November of this year there will be submitted an amendment which was framed to meet the needs of St. Louis, Kansas City and St. Joseph.[250] It proposes to change the general rule of Section 12 of Article X of the Constitution so far as cities of 75,000 inhabitants or more are concerned by fixing ten per cent instead of five per cent as the maximum for the incurring of indebtedness. It also authorizes the same cities to issue public utility bonds

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[245]Ante, p. 43.
[246]Ante, p. 48.
[247]Laws, 1907, p. 453.
[248]Laws, 1913, p. 780.
[249]Laws, 1913, p. 776.
[250]Laws, 1919, p. 751.

as provided in the amendment referred to above, which was proposed in 1913. The pending amendment differs in one feature from the one proposed in 1913 and from other amendments of this general character. All previous amendments, those rejected as well as those ratified, required the consent of two-thirds of the voters before any indebtedness authorized could be incurred. This amendment, however, would authorize the issuance of the public utility bonds with the assent of four-sevenths of the voters. Another amendment to be voted on this year proposes to amend the amendment adopted in 1902,[251] by adding ice plants to the public utilities for which the additional five per cent indebtedness may be incurred and by extending its provisions to cities of less than 2,000 inhabitants.[252]

Counties also have found it necessary to appeal for amendments of Section 12 of Article X. It has been indicated that in 1906 authority was granted for indebtedness above the five per cent for road and bridge purposes.[253] In 1909, an amendment was proposed to secure similar authorization for the erection of a poor house[254] but it was rejected by the voters despite the fact that the Constitution as originally adopted expressly authorizes this in the case of a court house or jail. The county of St. Louis which, as a suburb of the city of St. Louis, has a large urban population, sought authority to incur indebtedness for the construction of sewers and the acquisition of water works. While this was approved by the Legislature in 1911,[255] it failed of ratification with all of the other amendments at the election in 1912.

The restrictions upon the rates of taxation have been found burdensome in many cases and attempts have been made to amend these provisions of the Constitution. Refer-

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[251]Ante, p. 48.

[252]Laws, 1919, p. 758. See also amendment rejected in 1918 which proposed to add improvement of streets as an item for which additional five per cent could be incurred; Laws, 1917, p. 581.

[253]Ante, p. 47.

[254]Laws, 1909, p. 912.

[255]Laws, 1911, p. 448.

ence has already been made to the numerous attempts which were finally successful to secure authority for a special county tax for road and bridge purposes[256] and also to the amendment giving the city of St. Louis authority to levy the county as well as the municipal rate.[257] At the same time that the latter provision was adopted, the voters also ratified an amendment permitting boards of education in cities of 100,000 inhabitants to levy sixty cents instead of forty cents, which was the maximum which could be levied in other districts without the consent of a majority of the voting taxpayers.[258] A number of attempts have been made to change the rates for school purposes[259] and an amendment to be voted on this year seeks to remove the discrimination upon rural school districts by increasing the maximum rate for school purposes, which can be authorized by tax paying voters from sixty-five cents to one dollar, the same amount permitted in city districts.[260] There have also been attempts to change the rates for city purposes[261] and for improvement of roads.[262] At the election next November amendments will be submitted authorizing a rate of fifty cents for road purposes when voted by the voters of a road district[263] and authorizing the Legislature to incur a debt not exceeding sixty million dollars for road purposes.[264] Another amendment to be voted on at the same time provides for the issuance of state bonds not exceeding one million dollars for the purpose of creating a soldiers' settlement fund to provide employment and rural homes for soldiers and sailors.[265]

The "home rule charter" provisions of the Constitution

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[256]Ante, p. 46.
[257]Ante, p. 47.
[258]Laws, 1905, p. 322.
[259]Laws, 1903, p. 282; Laws, 1917, pp. 577-579.
[260]Laws, 1919, p. 755.
[261]Laws, 1909, p. 911; Laws, 1911, p. 446.
[262]Laws, 1907, p. 457; Laws, 1909, p. 913; Laws, 1913, p. 779; Laws, 1917, pp. 579-581.
[263]Laws, 1919, p. 755.
[264]Ibid., p. 757.
[265]Laws, 1919, p. 760.

regarding St. Louis[266] did not contain express authority for a revision of the charter by a new board and an amendment for this purpose was adopted in 1902.[267] As the original provision for amending the charter with the consent of three-fifths of the voters at an election had not worked satisfactorily because of the failure of many voters to vote either way, this amendment now provided that three-fifths of the voters voting for or against each charter amendment should be sufficient for its adoption. Finally, the original requirement that the charter must provide for two houses of the city council was changed so as to require only one house. This amendment did not apply to the "home rule charter" provisions for other cities of over 100,000 population and Kansas City has made a number of attempts to amend these sections. In 1914, an amendment similar to that part of the St. Louis amendment of 1902 which provided for counting only the votes for or against charter amendments was defeated.[268] In 1918, an amendment was submitted by initiative petition providing for a charter commission for the revision of the charter whenever such proposition had been approved by the voters after submission by the city council or by initiative petition.[269] The amendment also provided for charter amendments, submitted by a charter commission, the city council or initiative petition and ratified by a majority of those voting on each amendment. Finally, the people of the city were given a free hand in determining the form of their government by the omission of the provision requiring a mayor and two houses of legislation. This amendment was defeated but the next Legislature submitted substantially the same amendment and it will be voted upon again next November.[270]

Additional evidence of the difficulty of getting voters interested in propositions is furnished by an amendment

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[266]Ante, p. 34.
[267]Laws, 1905, p. 320.
[268]Laws, 1914, p. 783.
[269]Official Manual, 1919-20, pp. 428, 429.
[270]Laws, 1919, p. 749.

adopted in 1902 which changed the law regarding township organization by providing for its adoption by a majority of the voters of the county voting upon that propostition instead of by a majority of the voters at the election.[271]

When the Constitution of 1875 was adopted the term of most of the county officials was only two years. The tendency arose, however, to lengthen the term to four years. It was possible for the Legislature to determine this question except in the case of the sheriff and coroner whose terms were fixed at two years by the Constitution.[272] An amendment adopted in 1906 extended these terms to four years.[273]

The only amendment of the Constitution of 1875 which remains for consideration is the one providing for the initiative and referendum which was adopted in 1908.[274] A similar amendment with stricter requirements but applying to the local as well as State government had been defeated in 1904.[275] The amendment adopted in 1908 applies to constitutional amendments as well as matters of ordinary legislation. The initiative has been used only in connection with constitutional amendments. A total of fourteen amendments were proposed, one or more at each election beginning in 1910 and all were defeated.[276] One amendment submitted by the initiative will be voted on in November of this year.[277]

Four acts of the Legislature were by referendum petitions submitted to the voters in 1914 and all were rejected.[278] The Prohibition Enforcement act and the Workmen's Compensation act passed by the last Legislature were held up by referendum petitions and will be voted on this year.

In addition to those already referred to, the following amendments will be submitted to the voters at the forth-

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[271]Laws, 1905, p. 324.
[272]Constitution, 1875, Art. IX, Sec. 10
[273]Laws, 1909, p. 906.
[274]Laws, 1909, p. 906.
[275]Laws, 1903, p. 280.
[276]Official Manual, 1915-16, pp. 603, 604; 1917-18, pp. 484, 485; 1919-20, pp. 428, 429.
[277]See below, p. 54.
[278]Official Manual, 1915-16, p. 604.

coming November election. One amendment repeals the provision disqualifying soldiers and sailors in the regular army of the United States from voting and requires the Legislature to provide for absentee voting by electors absent from the State on account of military service.[279]

Another amendment undertakes to increase the pay of members of the Legislature. The inadequacy of this compensation led to an amendment proposed in 1907 providing an annual salary of seven hundred and fifty dollars.[280] The next Legislature proposed an increase in the per diem from five to ten dollars.[281] Four years later the Legislature proposed an annual salary of one thousand dollars.[282] All of these proposals were defeated and the last Legislature renewed the proposal of 1913, except that it omits all provision for mileage or stationery and provides that no member shall receive any allowance other than his salary and actual expenses while serving on committees to examine institutions other than those at the State capitol.[283]

Finally, an amendment submitted by initiative petition proposes to amend that part of Article XV which provides for revising the Constitution. It provides that each political party shall nominate not more than one of the two members of the the Constitutional Convention to be elected from each senatorial district. It also provides for fifteen members to be elected at large, nominations therefor to be by petition. It requires that the question of holding a Constitutional Convention shall be submitted to the voters at a special election in August, 1921, and that every twenty years thereafter such question shall be automatically submitted to the voters. This amendment is the work of the New Constitution Association which has been endeavoring for a number of years to have the question submitted to a vote of the people. It is believed the provisions for bi-partisan

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[279]Laws, 1919, p. 763.
[280]Laws, 1907, p. 457.
[281]Laws, 1909, p. 914.
[282]Laws, 1913, p. 779.
[283]Laws, 1919, p. 748.

and non-partisan membership will overcome the objections which have defeated former attempts to secure a Constitutional Convention.

It is an interesting coincidence that this survey of constitutional evolution in Missouri is completed on July 19, 1920, just one hundred years after the adoption of the Constitution of 1820. As the Constitution of today contains the essential features of the Constitution of 1820 this date may be taken as the Centennial of Missouri's Constitution. While the most fundamental characteristics of the Constitution of 1820 such as the division of powers, the bicameral Legislature, the independent Executive and Judiciary have been preserved in the existing Constitution, noteworthy changes have been introduced. Foremost of these has been the introduction of numerous limitations upon the power of the Legislature. Restrictions have been imposed upon its procedure, its enactment of local and special laws and its control over finances, while its power to regulate education, corporations and the structure and powers of State and local government has been seriously limited by the positive provisions regarding these matters that have been incorporated into the Constitution. Legislative power has also been restricted by the strengthening of the Governor's veto power, by the requirement for popular participation in the amendment of the Constitution and finally by introduction of a popular referendum on legislative acts and the possibility of direct popular enactment of laws without legislative participation.

The second most noticeable change has been the substitution of the long for the short ballot. This has resulted from the elimination of appointive tenure and the establishment of popular election of the principal executive officials and judges.

Finally, the restrictions upon the Legislature and the regulation of matters in detail in the Constitution have resulted in the proposal by the Legislature and by initiative petition of numerous constitutional amendments. These,

with the addition of legislative acts referred by petition to the voters, increased the size of the ballot to such an extent that the Legislature provided for a separate ballot for all propositions of this character.[284]

The men who framed the Constitution of 1875 appreciated the value of historical evolution. They realized that they were dealing with the Constitution which had been adopted in 1820 and changed from time to time to meet changed conditions. They undertook to adapt it to the problems of their day. If the demand for a new Constitution leads to a Constitutional Convention, the members of that body will undoubtedly be influenced by similar considerations. While modifying the existing document so as to enable the government to function in accordance with modern needs and popular demands, they will hold fast to all these features that have demonstrated their usefulness through the century of Missouri's constitutional development.

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[284]Laws, 1909, p. 492.

PERSONNEL OF THE CONVENTION

BY FLOYD C. SHOEMAKER.

An important sidelight on the character of any convention is a survey of its personnel. Whether the document framed by such a body is a constitution, a session act, or a draft of resolutions, it bears to a large degree the imprint of the lives of its authors. The age, education, environment, social and economic position, and the public experience of the drafters, are all helpful guides in analyzing their product. A body of men of mature years, of high educational standard, of sound economic position, and of wide experience, could hardly be expected to frame a radical constitution. On the other hand, representatives of youthful age, of little enlightenment, not possessed of property, and little favored with family traditions or social rank, could hardly be expected to draft a conservative constitution. An analysis of the personnel of a convention is also valuable in itself. The lives of the framers of a state constitution are deserving of serious consideration. A constitution is a fundamental law on which all later ordinary legislation, administration, and legal interpretation, are founded. Certainly the men who drafted such a significant document should be better known than ordinary public servants. The work of the sixty-eight delegates in Missouri's Constitutional Convention of 1875, has guided this state for forty-five years, nearly half a century! This can be said of no legislature, of no governor, or of any five or ten of both. The lives of constitution makers are important and are deserving of study and historical preservation.

It is, therefore, strange and regrettable that the scholar is forced to adopt a hundred expedients and devise a score of ways and means, in order to learn even the salient facts regarding some men of such high position and influence. This is necessary, however, owing to the oblivion which

envelopes the careers of even some of our most eminent representatives. Again, it frequently happens that a printed biography of some delegate is found which omits mention of the most essential facts desired. Even where general information is given on some subject, it is frequently of only slight aid since the very nature of that subject, as e. g., economic position in 1875, demands specific data. These difficulties are mentioned by way of explanation.

The purpose of this chapter is to present a summary on the personnel of the delegates regarding these points of information: birthplace, education, length of residence in Missouri by 1875, age in 1875, fraternal affiliation, church membership, war record, occupation, economic position, politics, and public career before and after 1875. Comparison will be made in places with the delegates who framed Missouri's Constitution of 1820. Such conclusions as are made will be confined to and deduced from the data at hand. The three leading officers of the Convention were: Waldo P. Johnson, president; Nathaniel W. Watkins, vice-president; and George W. Nolan, secretary. The first two were delegates and their lives are included in all summaries.

The cosmopolitan character of the Convention is evident from the nativity of the delegates. The birthplaces of sixty-seven of the members have been definately determined.[1] These delegates represented twelve American commonwealths, the District of Columbia, and four foreign countries. In the first Constitutional Convention of Missiouri in 1820, the forty delegates whose nativity could be traced represented nine states, two territories, and two foreign countries.[2] The native American stock in the 1820 Convention was, however, higher, representing ninety-four per cent of the membership as compared with only ninety per cent in the 1875 body. As would be expected, the for-

[1]The data concerning Horace B. Johnson was obtained too late to be embodied in this article. See biographical sketch in the following article. Except where it is expressly stated otherwise, conclusions involving percentages on this Convention will be based on the membership of sixty-seven delegates.

[2]Shoemaker, *Missouri's Struggle for Statehood*, p. 159.

mer slave-holding states were the birthplaces of a large majority of the delegates in both conventions. In the 1820 body eighty per cent were from the South, in the 1875 body seventy-five per cent were from the South. This difference is too small to warrant comment. It shows that the personnel of the two conventions was largely identical from the viewpoint of American sectional nativity. In this Convention, Kentucky ranked first with sixteen native sons, or twenty-four per cent of the total membership.[3] Missouri came next with thirteen delegates, or twenty per cent.[4] Virginia and Tennessee furnished ten and five respectively.[5] Maryland and New York each gave three; Ohio, Pennsylvania and West Virginia, each two; Delaware, the District of Columbia, Illinois and North Carolina, each one; Canada, Ireland and Hungary, each one; and Germany, four.[6] In the 1820 Convention, Virginia led with thirty-two and one-half per cent of the delegates; Kentucky furnished twenty per cent; Maryland, ten per cent; Pennsylvania, seven and one-half per cent; Missouri (upper Louisiana), North Carolina and Tennessee, each five per cent; and Indiana Territory, Ireland, New York, South Carolina, Vermont and Wales, each two and one-half per cent.[7]

In comparing the nativity of the delegates of the two conventions, four points of contrast are noticed. The representation of the Atlantic seaboard states was nearly

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[3]The following were born in Kentucky: Adams, Alexander, Chrisman, Crockett, Farris, McAfee, McKee, Mudd, Norton, Ray, J. W. Ross, Shields, Switzler, A. R. Taylor, Wallace, Watkins.

[4]The Missouri-born delegates were: Allen, Cottey, Conway, Davis, Dryden, Dysart, Hardin, Holliday, Lay, Letcher, Rider, Rippey, Shackelford.

[5]The Virginia delegates were: Bradfield, Broadhead, Crews, J. C. Edwards, Hale, Wlado P. Johnson, Priest, Rucker, Shanklin, and J. H. Taylor. Hale and Shanklin were born in that part of Virginia which later became the State of West Virginia.

The Tennessee delegates were: J. F. T. Edwards, Halliburton, Maxey, Pipkin, and Roberts.

[6]Those born in Maryland were Lackland, Massey and Nickerson; in New York, Carleton, Todd and Wagner; in Ohio, Black and J. P. Ross; in Pennsylvania, Fyan and Hyer; in West Virginia, Boone and Hammond; in Deleware, McCabe; in the District of Columbia, Gantt; in Illinois, Johnson; in North Carolina, Mabrey; in Canada, McKillop; in Ireland, Mortell; in Hungary, Pulitzer; in Germany, Brockmeyer, Eitzen, Gottschalk and Spaunhorst.

[7]Shoemaker, *Missouri's Struggle for Statehood*, p. 159f.

twice as great in the 1820 body as in the Convention of 1875. In the former, sixty per cent of the delegates were natives of these older commonwealths, in the latter, only thirty-two and one-half per cent. Again, the representation of the second tier of states west of the Atlantic increased their representation from twenty-five per cent in 1820 to thirty-seven per cent in 1875. In the third place, there was a marked increase in the 1875 body in the number and the proportion of delegates born in Missouri. In the 1820 Convention only two delegates, or five per cent, were natives of what is today the State of Missouri; in the 1875 Convention, there were thirteen delegates, or twenty per cent. Finally, there was an increase in the latter body in the number of foreign delegates. In the 1820 Convention were seated only two foreign born representatives, or five per cent, in the 1875 Convention were seven, or ten per cent. As a result of these considerations, two conclusions are evident. In the first place, by 1875 the older Middle West had ceased to rely on the East for its state makers and constitution-framers. The former pioneer states of Kentucky, Missouri and Tennessee had passed the stage of colonies and in turn had become colonizers. In the second place, Missouri, in common with her neighbors on the East and the North, was feeling the influence of a new immigration that had started in the '20s, continued in the '30s, and reached its high tide in the '40s, '50s and '60s. This was the wave of settlers from Europe and the British Isles, especially from Germany and Ireland.

One of the important subjects in the study of biography is education. Some writers place it above both occupation and economic position in its influence on character. At least education holds high rank in revealing intellectual attitude toward public questions, being modified, or enforced, however, by occupation, political partisanship, religious affiliation, and economic position. Educational data was obtained on sixty-two delegates. This data shows that the Convention of 1875 was composed largely of edu-

cated men. Thirty-nine of these, or sixty-three per cent, had received college or university training; eight had attended academies; four, high schools; and eleven, common schools. Of the thirty-nine college men, eleven had received their higher education in Missouri. These eleven had attended private institutions. Central College, at Fayette, led with four alumni; St. Paul's College, at Palmyra, had two; William Jewell, at Liberty, Christian University, at Canton, St. Charles College, at St. Charles, Missouri Medical College, at St. Louis and Westminster College, at Fulton, each had one representative. Of the thirty students of institutions located outside Missouri, four had attended Transylvania University (Ky.) and three each had attended Center College (Ky.) and Yale; two had attended the University of Virginia and one each had studied at institutions scattered over the nation, as Brown University, Jefferson College, West Point, Harvard, Washington (Washington and Lee), Indiana State University, the University of Tennessee, and the University of Vermont.[8] The educational equipment of the delegates was high and undoubtedly proved an asset to the Convention. Whatever may be the defects of Missouri's Constitution of 1875, these cannot rest on the lack of a high educational standard of the framers. In regard to this qualification, the delegates in the 1875 Convention were equal to the remarkably gifted framers of Missouri's Constitution of 1820.

It is a matter of interest and of some importance to know the length of residence in Missouri of the delegates at the convening of the 1875 Convention. Since eighty per cent of the delegates were born outside the state, the question might arise as to how conversant these non-Missourians were with the internal affairs of this commonwealth. Had they lived here long enough to be familiar with our problems, our successes and failures? Of the sixty-seven delegates whose life-records are fairly complete, fifty-four were Missourians by adoption. The date of settling in

[8]For exact data, see the biographical sketches of the delegates following.

Missouri has been determined for fifty-two of these. The data at hand shows that the average length of residence in Missouri up to 1875 was twenty-eight and one-half years. Only one had lived in Missouri less than one year preceding the Convention and only five others had lived here under ten years. The conclusion is evident that the delegates were undoubtedly familiar with conditions in Missouri so far as residence was an aid, and to that extent they were competent to frame her new fundamental law.

As an aid to determine the conservative or the liberal character of a body of men, their ages are important. Many years of experience in the affairs of society may have a tentency toward either conservatism or liberalism so far as moral standards are involved, but there is little question that so far as governmental institutions and state finance are involved, older men are more inclined towards a conservative attitude than are younger men. Years add responsibility. To profit by the past rather than experiment in the future is typical of the general attitude of those past middle age. One is justified in going even farther. Age, when building for the future, keeps its eye on the past in order to avoid the mistakes made. Safety is the foundation of the plans of age and experience. Caution, conservation, restrictions on freedom of future action, are the main considerations. On the other hand, youth and early middle age look to the future for freedom and opportunity. Youth may have felt some of the hardships of the past, but unless these have been galling they are regarded as lessons rather than guides. Youth is optimistic, it may be either radical or liberal but seldom conservative. Progress and freedom of action are its foundation for future plans. These generalizations are borne out in the making of laws and constitutions.

In the Missouri Constitutional Convention of 1875, one delegate was seventy-nine years old and ten more were over sixty.[9] These eleven formed sixteen per cent of the mem-

[9]Watkins, the vice-president, was 79 years old. These were over 60. Adams, 61; Gantt, 61; Halliburton, 63; Hyer, 65; Massey, 64; Pipkin, 61; Priest, 67; J. P. Ross, 66; Todd, 62; Wagner, 65.

bership. Fourteen delegates, or twenty-one per cent, were between fifty and fifty-nine years old,[10] and twenty-two delegates, or thirty-three per cent, were between forty and forty-nine.[11] Sixteen delegates, or twenty-four per cent, were between thirty and thirty-nine years old, and four delegates or six per cent, were under thirty.[12]

From this data it is clear that the delegates averaged rather high in age. In the 1820 Constitutional Convention the average was forty-one years, in this one it was nearly forty-seven years. In the former body only four delegates, or ten per cent, were over sixty; in the latter, eleven delegates, or sixteen per cent. In the one were six delegates, or fifteen per cent, under thirty, in the other only four, or six per cent.[13] In this Convention thirty-three delegates, or nearly half, averaged fifty-six years old, and none of these was under forty-five years old. Even the remaining thirty-four delegates in the 1875 Convention averaged an age of thirty-eight years. This Convention was composed largely of men of mature years. There was none too young to have fought in the war that ended ten years before, there were many too old to have endured active service even at the beginning of that struggle. If age and mature years nurture conservatism, the Convention of 1875 was a conservative body.

A matter of interest to the biographer and historian, is the fraternal and religious affiliations of men in the group. In regard to the former subject, it is found that at least thirty-six of the sixty-eight delegates were members of fraternal orders. Of the remaining thirty-two, it is known

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[10]Those between fifty and fifty-nine were: Bradfield, 54; Broadhead, 56; Chrisman, 53; J. C. Edwards, 51; Eitzen, 56; W. P. Johnson, 58; Letcher, 51; Mabrey, 56; Mudd, 57; Norton, 54; Shackelford, 53; Shanklin, 51; Switzler, 56; and Wallace, 52.

[11]Those between forty and forty-nine were: Allen, 40; Alexander, 41; Boone, 44; Brockmeyer, 44; Carleton, 45; Crockett, 44; Dryden, 40; Dysart, 41; J. F. T. Edwards, 49; Farris, 43; Fyan, 40; Hale, 44; Holliday, 46; Lackland, 45; McAfee, 46; McCabe, 48; McKee, 44; Nickerson, 40; Ray, 47; Roberts, 44; J. W. Ross, 43; and Spaunhorst 47.

[12]Those between 30 and 39 were: Black, 39; Conway, 33; Davis, 39; Gottschalk, 39; Johnston, 39; Lay, 39, Maxey, 32; Mortell, 32; Rider, 34; Rippey, 32; Shields, 33 A. R. Taylor, 33; J. H. Taylor, 38; McKillop, 38; Rucker, 37.

Those under 30 were: Cottey, 29; Crews, 29; Hardin, 29; Pulitzer, 28.

[13]Shoemaker, *Missouri's Struggle for Statehood*, p. 164.

that eight were not affiliated with such organizations. Data on the other twenty-four could not be obtained. The Masonic order enrolled twenty-three of the delegates, the Odd Fellow fraternity thirteen, and scattering societies the remainder. Approximately fifty per cent of the members of the Convention were members of these first two fraternities.

The church affiliation of the delegates show that thirty-seven men, or fifty-three per cent, were members of some religious body; seven more, or ten per cent, had some church preference; eighteen have left no record as yet obtainable on this subject. Of the forty-four delegates having either membership or preference in some religious body, eleven favored the Presbyterian church, eleven the Methodist, eight the Baptist, five the Christian, four the Episcopal, three the Catholic, and one each the Congregational, and Unitarian.[14] From this data it is seen that nearly two-thirds of the delegates were members of some church or had some church preference.

Since the harsh restrictive election provisions in the Missouri Constitution of 1865, altho later repealed, left an aftermath of discontent and criticism against that document which was very influential in bringing about consideration of a new fundamental law, it is not surprising to find that thirty-five delegates, or fifty per cent, in the 1875 Convention had either served under the Confederacy or had sympathized with its fortunes. Of these thirty-five men, eighteen had either enrolled in the Confederate Army or had

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[14]The members of the Presbyterian church were: Chrisman, Conway, Crockett' Dryden, Dysart, Hammond, McKee, McKillop, Shields, Switzler, and J. H. Taylor.

The members of the Methodist church were: Cottey, J. F. T. Edwards, Farris(?), Letcher, Pipkin, Rider, Rucker, Shackelford, and Wagner. J. C. Edwards and Massey attended this church.

The members of the Baptist church were: Halliburton (?), Hyer, Norton, Priest, Rippey, and Wallace. Allen and Watkins preferred this church.

The members of the Christian church were: Alexander, Boone, Johnson and Lay. Ray preferred this church.

The members of the Episcopal church were: Adams, Lackland, McCabe and J. P. Ross.

Spaunhorst was a member of the Catholic church. Davis was reared a Methodist and died a Catholic. W. P. Johnson admired the organization of the Catholic church.

Bradfield was a member of the Congregational church, and Gantt inclined toward the Unitarian faith.

served under the Confederate Government, and seventeen had been Confederate sympathizers.[15]

Of the remaining thirty-four delegates, fourteen, or twenty-one per cent, had served in the Union Army; five had been Union sympathizers; two took no part in the war; and thirteen have left no available record on this subject.[16]

An eminent authority has said that at least nine-tenths of all legislation owes its origin, directly or indirectly, to the associated influence of the merchant, trader, and banker on the one hand, and the lawyer on the other hand.[17] Certainly this statement is substantiated in the framing of Missouri's Constitution of 1875, as it was in the drafting of the first Constitution in 1820.[18] In fact, the influence of the legal class was much greater in the former body than in the latter. Only twenty-two per cent of the delegates in the 1820 Convention were lawyers, they constituted sixty-six per cent of the 1875 body.

Of the sixty-eight delegates in this Convention, forty-five were lawyers; three editors; two, doctors; two, farmers; one each a merchant, preacher, and real estate dealer; one

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[15]These had served in the Confederate Army: Boone (colonel), Carleton (major in engineering department), Crews, Dysart (captain), J. F. T. Edwards (major), Farris, Holliday (no active service), W. P. Johnson (major), Maxey (captain), Rider (medical department), Rippey (?), J. W. Ross (captain), Rucker and A. R. Taylor.

W. P. Johnson had served in the Confederate Senate, Hyer in the Confederate Congress, and Bradfield had been secretary to Postmaster General Reagan in President Davis' Cabinet. W. P. Johnson had also served in the Mexican War.

The Confederate sympathizers were: Allen, Conway, Crockett, Davis, Dryden (who had freed his slaves before the war), J. C. Edwards, Halliburton, Mabrey, McCabe McKee, Massey, Nickerson, Pipkin, Priest, Roberts, J. H. Taylor and Wallace (Taylor may have served in the Confederate Army).

[16]The fourteen Union men were: Broadhead (lieutenant-colonel of volunteers and provost marshal general), Eitzen (captain in militia), Fyan (major), Gantt (provost marshal general of Missouri and judge advocate on Gen. McClellan's staff), Gottschalk (captain), McAfee (major, and judge advocate on Gen, Sanborn's staff), Pulitzer (private, also in Schleswig-Holstein War), Ray (in charge of Union hospital), Shanklin (lieutenant-colonel, also quartermaster and commissary sergeant in Mexican War), Shields (captain in militia), and Switzler (provost marshal for a congressional district).

The five Union sympathizers were: Letcher (in California during the war), Mudd, Norton, Shackelford and Wagner.

The two who took no part were: Johnston and McKillop.

The thirteen delegates who have no available records were: Adams, Alexander, Black, Chrisman, Cottey, Hammond, Hardin, Lackland, Mortell, J. P. Ross, Spaunhorst and Todd.

[17]Foote, *Bench and Bar of the Southwest*, p. 3.

[18]Shoemaker, *Missouri's Struggle for Statehood*, p. 157ff.

each was engaged in two or more occupations, as doctor-editor-merchant, merchant-farmer, merchant-banker, merchant-editor-banker, lawyer-editor, lawyer-banker, lawyer-mining incorporator, lawyer-merchant, editor-farmer-lawyer-merchant; and two each, lawyer-farmer and lawyer-banker. It has not been possible to determine which occupation was the one mostly followed in those cases where two or more were pursued. This data is not essential, however, since the predominance of the legal and business classes is so marked. It is obvious that the lawyer and the business man framed Missouri's Constitution of 1875.

Another element of strength and conservatism in the Convention was the economic stability of most of its members. Of the delegates whose financial standing could be determined, all except four enjoyed large incomes, were possessed of considerable property, or were at least in moderate circumstances. Over half of the delegates were or became wealthy or well-to-do. In this respect, the Convention of 1875 was similar to the convention of 1820.[19]

It was impossible to obtain accurate data on the economic standing of many of the delegates prior to 1875. The war had so changed the fortunes of some that little definite information is at hand. To some extent this is also true even after 1875, but fairly reliable records have been collected relating to sixty delegates. Of this number eighteen, or thirty per cent, were or became wealthy;[20] fourteen, or twenty-four per cent were well-to-do;[21] twenty-four, or forty per cent were in moderate circumstances;[22] and only four, or seven per cent, died in meager circumstances.[23]

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[19]Shoemaker, *Missouri's Struggle for Statehood*, p. 163f.

[20]These were: Chrisman, J. C. Edwards, Eitzen, Fyan, Gantt, Hardin, Lackland, McKee, Maxey, Norton, Pulitzer, Roberts, Shackelford (?), Spaunhorst, J. H. Taylor, Todd, Wagner, and Watkins.

[21]Cottey, Crews, Davis Farris, Hale, Hyer, W. P. Johnson, Johnston, McAfee, McKillop, Nickerson, J. P. Ross, Rucker, and Shanklin.

[22]Allen, Boone, Brockmeyer, Carleton, Dryden, Dysart, J. F. T. Edwards, Gottschalk, Halliburton (wealthy before the war), Holliday, Lay, McCabe, Mabrey, Massey, Mudd, Pipkin, Priest, Ray, Rippey (once wealthy), J. W. Ross, Switzler, A. R. Taylor, and Wallace.

[23]Bradfield, Conway, Hammond, and Mortell. Some of these had enjoyed considerable income.

If this proportion obtained for all the delegates, it means that over half, or fifty-five per cent, were the possessors of considerable property, and forty per cent were without worldly goods. It may be stated that the Convention was composed of the substantial, propertied classes. The delegates were largely men of means, whose individual wealth ranged from $10,000 to over a million dollars. Such men are inclined to be conservative, to plan their future on the tried basis of their past. Such men desire stability rather than change.

A survey of the political complexion of the Convention shows that all except seven of the delegates were Democrats. Six delegates were Republicans and one was termed a Liberal.[24] Eleven of the Democrats had been Whigs, one a Unionist, and one a Liberal Republican.[25] Two of the Democrats later became Republicans.[26]

The public life of the delegates divides itself into two phases for the purposes under consideration, first, their career prior to 1875, and second, after 1875. The record of the delegates during these two periods is commendable. The delegates occupied many positions of honor and responsibility. Nearly all were at some time public servants and they performed well the duties of office holding. It is true, however, that compared with the framers of Missouri's first Constitution, they do not stand so high in public life. After 1875, none reached the Cabinet, none became a United States Senator, none sat in the gubernatorial chair of any commonwealth; only a small per cent were sent to Congress, and only one influenced the legislation of any state except Missouri. The 1820 Convention included the first United States Cabinet official appointed from west of the Mississippi river; three men who later represented Missouri and Wisconsin in the United States Senate; four, who entered

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[24] The six Republicans were: Eitzen, Gottschalk, H. B. Johnson, Johnston McKillop, and Mudd. Fyan was a Liberal, and later became a Democrat.

[25] These eleven delegates were: Allen, Broadhead, Chrisman, Letcher, McCabe, Norton, Ray, Shackelford, Switzler, A. R. Taylor, and Wallace. Gantt had been a Unionist, and Pulitzer a Liberal Republican in 1870.

[26] Hale and J. W. Ross.

the lower house of Congress; two who sat in the gubernatorial chair of Wisconsin and of Missouri; one, who became a Lieutenant-Governor; two, who held the office of Secretary of State; two, that of State Auditor; two, who sat on the Missouri Supreme Court Bench; and twenty-three, who influenced the legislation of five American commonwealths.[27] The comparison does not detract from the high merits of the delegates of 1875, since the Convention of 1820 was composed of a body of men of exceptional ability in the field of politics.

Of the sixty-eight delegates, only sixteen had not held some political office prior to the Convention, and three of these had been candidates for public office.[28] Of the fifty-two delegates with prevous public office holding experience, only three had served in either the United States or the Confederate Congress. Hyer had sat in the Confederate Congress and W. P. Johnson in the Confederate Senate. Johnson had been elected to the United States Senate but was expelled. Norton had been elected twice to the United States Congress as Representative but had been counted out once.

Five delegates had held important positions on the bench. W. P. Johnson, Norton and Pipkin had been circuit judges; Adams had served on the Missouri Supreme Court; and Bradfield had served in Texas as a district judge under the Confederacy.

Twenty-eight delegates, or two-fifths of the total number, had legislative or high state executive experience. Three had served in the Missouri Constitutional Convention of 1845, and one in the Missouri Constitutional Convention of 1865.[29] One other, Rucker, had sat in the Montana Constitutional

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[27]Shoemaker, *Missouri's Struggle for Statehood*, p. 149ff.

[28]These held no political office: Black, Boone (?), Chrisman, Crews, Conway, Dryden, Dysart, J. C. Edwards, Hammond (?), Holliday, McAfee, Maxey, Nickerson, Rider, Rippey, and J. W. Ross, Crews and McAfee had been candidates for Congress, and J. W. Ross for prosecuting attorney. Of these sixteen, twelve were lawyers, and one each was a banker, farmer, doctor, and editor.

[29]Broadhead, Massey and Pipkin sat in the 1845 Constitutional Convention; Switzler in the 1865 body.

Convention. Nine had been elected to the memorable Missouri State Convention of 1861-1863.[30] Twenty had seen service in the Missouri Legislature—twelve in the House, three in the Senate, and five in both bodies.[31] H. B. Johnson had been Attorney-General of Missouri, and Massey had been twice elected Secretary of State of Missouri. Broadhead, Lay and Gantt had been United States district attorneys, and Halliburton had been receiver of public money for the Chariton land district.

Thirty-six delegates had held some county or local public office. These offices were usually such as prosecuting attorney, councilman, county assessor, clerk, judge, surveyor, school commissioner, probate judge and justice of the peace[32].

The public life of the delegates after 1875 is more notable but less general than their careers before the war. Forty-one members, or sixty per cent of the sixty-eight delegates held no public position of state-wide eminence after the Convention. Twenty-three of these held no political or public civil office, and eighteen held only purely political party or minor civil offices.[33]

Of the remaining twenty-seven delegates, seven sat in Congress, thirteen in the Missouri General Assembly (including one who was later a Congressman), one became Lieutenant-Governor of Missouri, two sat on the Supreme Court Bench of Missouri, one served as judge of the St.

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[30]In the 1861-1863 convention were: Broadhead, Eitzen, Gantt, Norton, Pipkin, J. P. Ross, Shackelford, Shanklin, and J. W. Ross.

[31]Former House members were: J. F. T. Edwards, Hale, Hardin, W. P. Johnson, Letcher, Mabrey, Mortell, Mudd, Pipkin, Pulitzer, Roberts, and Switzler. Former Senate members were: Gottschalk (president pro tem), Massey and Priest. Delegates who had served in both bodies were: Broadhead, Brockmeyer Halliburton Hyer, and Watkins (speaker of the House, also).

[32]The thirty-six delegates were: Allen, Alexander, Brockmeyer, Carleton, Cottey, Davis, J. F. T. Edwards, Farris, Fyan, Gantt, Gottschalk, Halliburton, Hardin, H. B. Johnson, W. P. Johnson, Johnston, Lackland, Letcher, Mabrey, McKee, McKillop, Mortell, Mudd, Norton, Pipkin, Priest, Pulitzer, Ray, J. P. Ross, Shanklin, Shields, A. R. Taylor, J. H. Taylor, Wagner, and Wallace.

[33]The twenty-three delegates were: Adams, Chrisman, Crews, Dysart, Hardin, Hyer, H. B. Johnson, W. P. Johnson, Johnston, Letcher, Mabrey, McKee, Massey, Mortell, Pipkin, Ray, Roberts, J. P. Ross, Rucker, A. R. Taylor, Wagner, Wallace, and Watkins.

The eighteen members were: Allen, Boone, Bradfield, Conway, Crockett, J. C. Edwards, J. F. T. Edwards, Holliday, McAfee, McCabe, Nickerson, Rider, J. W. Ross, Shackelford, Shanklin, Spaunhorst, J. H. Taylor, and Todd.

Louis Court of Appeals, one sat in the Oklahoma Constitutional Convention of 1908, one was consul to Stuttgart, one became Assistant Attorney-General of the United States and agent and counsel of the United States Chilian Claims Commission, and one became chief of the bureau of statistics of the United States Treasury Department.[34] Of these twenty-seven, four served as circuit judges, one as a member of the French Spoliation Claims Commission, and later as minister to Switzerland, and a number held local civil positions.[35]

This resume on office holding shows clearly that fewer delegates participated in public life after 1875 than before. It also shows, however, that after 1875 more delegates reached higher offices, such as Congress, the Bench, and the United States administrative and diplomatic service. It should also not be forgotten that some attained high eminence in their vocations, which were largely of a public nature. The law and the press are at least semi-public. Some of Missouri's ablest lawyers were in this Convention and enjoyed almost a nation wide reputation after 1875. Certainly one of Missouri's most eminent journalists, Joseph Pulitzer, sat in this body, and finally reached the pinnacle of fame and power in his field after 1875. The Convention seated no such great public men as a Bates or a Barton, but it did have such remarkable men as a Broadhead, a Brockmeyer, and a Pulitzer.

The Missouri Constitutional Convention of 1875 was composed of delegates of ability, education and experience.

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[34]The seven Congressmen were: Alexander, Broadhead, Davis, (three terms), Fyan (three terms), Hale, Lay, and Pulitzer (from N. Y.).

The thirteen assemblymen were: Carleton (three terms as representative and one term as senator), Cottey (both as representative and as senator), Davis (representative), Dryden (representative), Halliburton (senator), Hammond (representative), Lackland (representative), McKillop (senator), Mudd (representative), Priest (representative), and Rippey (representative).

Brockmeyer became Lieutenant-Governor of Missouri.

Black and Norton became judges of the Supreme Court.

Gantt was presiding judge of the St. Louis Court of Appeals.

Maxey helped frame Oklahoma's Constitution of 1908.

Gottschalk became consul to Stuttgart.

Shields was connected with the United States Department of Justice, etc., and Switzler with the bureau of statistics.

[35]The four circuit judges were: Black, Fyan, Gottschalk and Shields. Broadhead became minister to Switzerland.

These qualifications were real assets and made possible the drafting of a strong constitution. The delegates were also men of means. This fact favored the drafting of a conservative constitution containing stringent restrictions on public taxation, bonded indebtedness and state and local expenditures. This factor also worked toward a general decentralized financial system which was subject to the best conservative regulations that could be desired, express limitations in the Constitution and local control. The delegates were men of rather mature age, fifty per cent averaging fifty-six years old. Such a body of men is again inclined toward conservatism, especially so if their later years have embraced a period of war time inflation, property insecurity, increasing public indebtedness, rising taxes, and falling prices culminating in a general financial depression. As a result of these facts, the personnel of this Convention made possible only one kind of a Constitution—a fundamental law that would adequately and fully meet such needs and problems as had been peculiar to Missouri during the previous decade and a half. The result was a conservative, detailed, restrictive, document, which, despite nearly fifty years of such growth and progress in this state as no one would have dared prophesy in 1875, is still Missouri's organic law.

BIOGRAPHICAL SKETCHES OF THE DELEGATES

BY BUEL LEOPARD.

Waldo P. Johnson (Democrat), president of the Convention, was born in Bridgeport, Virginia, September 16, 1817. He was educated at Rector College in Pruntytown, Virginia, graduating in 1839. He then studied law and was admitted to the bar in 1842. In 1843 he came to Missouri and located in Osceola. In 1846 he was elected to the Missouri Legislature. He was made circuit attorney for the Seventh judicial district in 1848 and in 1851 was elected judge, but resigned in 1852. In 1854 he was nominated for Congress but was defeated by a small majority. In 1861 he was made a delegate from Missouri to the Peace Conference which met in Washington in February. He was later made United States Senator, taking his seat in July, 1861. He made an effort to have a convention called at Louisville to try to adjust the differences between the North and South but the resolution failed. On January 10, 1862, he was expelled for disloyalty. The following year he was appointed to the Senate of the Confederate States. Threatened with arrest by the United States Government at the close of the war, he made a residence in Canada until 1866. He was then paroled and returned to Osceola. From 1876 to 1884 he practiced law in St. Louis, after which he returned to Osceola, although he still maintained an office in St. Louis. He served in the Mexican War and, previous to his appointment to the Confederate Senate, had seen active service in the Southern Army. In 1847 he was married to Miss Emily Moore of Clarksburg, Virginia. He died in Osceola, August 14, 1885.

Nathaniel Watkins (Democrat), vice-president of the Convention, was born in Woodford county, Kentucky, January 28, 1796. He was a half-brother of Henry Clay.

He served in the War of 1812. His early education was largely self-acquired. He studied law in Transylvania University, graduating with distinction.* He later studied law under the direction of Judge Henry Davidge of Gallatin county, Kentucky, and was licensed to practice in 1819. Coming to Missouri in 1820, he located in Jackson, where he practised for more than fifty years. The last few years of his life were spent on his farm in Scott county. He held a number of public offices: in 1834, 1846 and 1850 he was a member of the Missouri House of Representatives, and was elected Speaker in 1850. In 1856 he was elected to the State Senate. He was a member of the State Convention in 1861 but abandoned his seat after the capture of Camp Jackson. Governor Jackson appointed him brigadier-general in the First military district of the State which embraced Southeast Missouri. He organized the Missouri State Guards in that district but soon resigned his command. He married Miss Eliza M. Watson of New Madrid. He died in Cape Girardeau, March 20, 1876.

Washington Adams (Democrat) was born in Christian county, Kentucky, in 1814. He received an academic education and then read law in Boonville, Missouri, with Peyton R. Hayden. He was licensed to practice law in 1835, and except when serving in public office, practiced in Boonville until his death. In December, 1871, he was appointed by Governor Brown to fill a vacancy in the Supreme Court. At the November election in 1872 he was elected to the same office, but resigned in October, 1874. In 1840 he married Miss Eliza Brown of Cynthiana, Kentucky. He was a member of the Episcopal church. He died in Boonville, May 7, 1883.

Armsted M. Alexander (Democrat) was born in Clark county, Kentucky, May 26, 1834, and died in Paris, Missouri, November 7, 1892. The family came to Monroe

*This statement is found in Bay, "Bench and Bar of Missouri" but is not found in any of the other biographies of Mr. Watkins.

county, Missouri, in 1841. He received a public school education and attended the University of Virginia, studying two years in the classical department and one year in the School of Law. He completed his legal studies at home and was licensed to practice in 1862. He was prosecuting attorney of Monroe county for six or eight years, and was a member of the Forty-eighth Congress. His wife was a daughter of Thomas Vaughn of Paris. He was a member of the Christian church and of the Odd Fellow fraternity.

Dewitt C. Allen (Democrat) was born in Clay county, Missouri, November 11, 1835, and with the exception of about two years, spent all of his life in that county. He was graduated from William Jewell College in 1855 after which he was principal of the preparatory department of the Masonic College at Lexington. He then studied law under the direction of Col. Alexander W. Doniphan. He later studied with Richard M. Rees in Leavenworth, Kansas. He was admitted to the bar in 1860 and began to practice at Liberty. He was elected circuit attorney for the Fifth judicial district in 1860, but being a Southern sympathizer, he declined to take the test oath in 1861 and resigned. For a time he was an officer of the Kansas City & Cameron Railroad and aided in securing the construction of the branch from Cameron to Kansas City. In 1896 he was a presidential elector at large from Missouri. He was awarded the degree of LL. D. by the University of Missouri and was for many years a trustee of William Jewell College. He was the author of "Sketch of the Life and Character of Colonel Alexander W. Doniphan" and other historical and biographical articles. In 1864 he married Miss Emily E. Settle of Ray county. He was a member of the Masonic order. Mr. Allen died February 12, 1920.

Francis M. Black (Democrat) was born in Champaign county, Ohio, July 24, 1836, and died in Kansas City, Missouri, May 24, 1902. He attended the common schools and then taught school until he reached the age of twenty-two.

At that time he entered the Farmers' College at New Cincinnati, Ohio, graduating three years later. He then read law with General John H. Young of Urbana, Ohio, and was admitted to the bar in 1864. He located in Kansas City, Missouri, and made that city his home until his death, except when holding public office. In 1880 he was elected judge of the Twenty-fourth judicial circuit. He was elected to the Supreme Court of Missouri in 1884 and served as Chief Justice during 1893-94. He was a candidate for reelection in 1894, but, with the rest of the Democratic ticket, he was defeated. Mr. Black helped to establish the Kansas City School of Law, served as its president and gave his services as a lecturer free. For several years before his death he served as special attorney for the police board. In 1867 he married Miss Susie Geiger of Dayton, Ohio.

Henry Boone (Democrat) was born in West Virginia in 1831 and died in Eldorado Springs, Missouri, December 10, 1919. His father was a cousin of Daniel Boone. He studied law and was just beginning to practice when the Civil War began. During that struggle he served as a colonel in the Confederate army. After the close of the war, he went to Kansas where he taught school for a time. In 1868 he removed to DeKalb county, Missouri. For the next forty years he practiced law at Union Star. He also engaged in farming. About 1880 he was elected prosecuting attorney of DeKalb county. He lived in Eldorado Springs, Missouri, from 1914 until his death. In 1865 he married Miss Elizabeth Parsons. He was a member of the Christian church.

George W. Bradfield (Democrat) was born in Snickersville, Loudon county, Virginia, April 26, 1821. He received a common school education after which he studied law and was admitted to the bar. In 1858 he went to Knoxville, Tennessee, where he had charge of the *Knoxville Register* until the Civil War. During that war he was appointed a district judge of the Confederate States in the Texas division. He later served as secretary to Postmaster-

General Reagan in President Davis' cabinet. He came to Lebanon, Missouri, in 1867, where he spent the remainder of his life. He served several terms in the offices of prosecuting attorney and probate judge of Laclede county. On January 16, 1846, he married Miss Matilda Ellen Klein, who died in 1861. He was then married to Miss Mary J. Hudson in 1868. He was a member of the Congregational church. He died in Lebanon, January 20, 1904.

James O. Broadhead (Democrat) was born in Charlottesville, Albermarle county, Virginia, May 29, 1819. He attended a classical school at Red Hills, Virginia. At the age of sixteen he entered the Un versity of Virginia where he remained for one year. After teaching for a year in a private school in Baltimore he came to Missouri in 1837. For three years he was tutor in the family of Edward Bates and read law with Mr. Bates. He was admitted to the bar in 1842. He practiced in Bowling Green until 1859 and then removed to St. Louis. Prior to the Civil War he was a member of the Whig party. He was a delegate to the State Constitutional Convention in 1845. In 1846 he was elected to the lower House of the Legislature and in 1850 became a member of the State Senate. He was again a delegate to the State Convention in 1861. In the same year he was appointed United States district attorney but soon resigned. When the Civil War broke out, Mr. Broadhead gave all his energy towards keeping Missouri in the Union. He was a member of the St. Louis Committee of Safety and was lieutenant-colonel of volunteers. He was then made provost-marshal-general of the Military Department of Missouri, Arkansas, Kansas, Indian Territory and Southern Iowa. In 1876 he was the choice of the Missouri delegation of his party for president. He was elected to Congress in 1882. In 1885 he was appointed to make examination of the French Spoliation Claims. He was minister to Switzerland from 1893-1897. He was president of the American Bar Association in 1878. In 1847 he was married to Miss Mary S. Dorsey, a native of Maryland. He died in St. Louis, August 7, 1898.

Henry C. Brockmeyer (Democrat) a nephew of the "Iron Chancellor" Bismarck, was born near Minden, Prussia, August 12, 1828. He received a thorough education in the common schools of Prussia. At the age of sixteen he left his home and came to the United States. When he landed in New York he knew only a few words of English and had only twenty-five cents. For a time he worked as a bootblack along the Bowery. He then learned the currier's and tanner's trade. After learning the trade he worked in several cities and then set up an establishment of his own at Oktibbeha, Mississippi. With his trade he combined the making of boots and shoes. The business was highly successful but he was forced to give it up on account of his health. He then entered the preparatory department of Georgetown College (Kentucky), where he remained for two years. He later attended Brown University for almost two years. In 1854 he came to St. Louis for a second time, having worked there for a few months in 1848. He then went to Warren county where he lived the life of a recluse for several years. Returning to St. Louis he worked in a foundry and taught a class in German philosophy in the evenings. He later bought a farm and resided in Warren county. During the Civil War he served for a short time in the militia with the rank of captain. In 1862 he was elected to the Legislature from Warren county. In 1864 Mr. Brockmeyer went to St. Louis and opened a law office, having previously been admitted to the bar in Warren County. In 1866 he was elected to the St. Louis board of alderman. In 1870 he was elected State Senator and in 1876 became Lieutenant-Governor. For many years he was a prominent political speaker in this and other states. He was a leader in intellectual circles in St. Louis. He was the author of a drama "A Foggy Night at Newport" and was a contributor to the *Journal of Speculative Philosophy*. He translated Hegel's "Logic" but it was never published, owing to the failure of the publishing house. In 1861 he married Miss Elizabeth Robertson, who

died in 1864. In 1867 he married Miss Julia Keinlan. Mr. Brockmeyer died in St. Louis, July 26, 1906.

George W. Carleton (Democrat) was born in Stillwater, Saratoga county, New York, April 19, 1830. The same year his family moved to St. Clair county, Michigan. There he was reared and educated, attending the high schools of St. Clair, and fitted himself for the profession of civil engineering. In 1852 he came to New Madrid, Missouri, where he taught for a time. In January, 1855 he removed to Gayoso, Pemiscot county, and a few months later was appointed clerk of the county court. In the latter part of the year he was elected county surveyor. In 1860 he was chosen clerk of the county court for a term of six years and was also deputy clerk of the circuit court. At first he was a Union man but opposed abolition. After the capture of Camp Jackson, he decided to join the Confederacy. At the approach of the Federal troops, he took the records of Pemiscot county to Memphis, where they remained until the close of the war. He first enlisted in the Confederate States Navy but was later transferred to the engineering department of the army with the rank of major. At the close of the war he helped reorganize the government of Pemiscot county. He then studied law and was admitted to the bar in 1871. For four consecutive sessions, 1879-1885, he represented Pemiscot county in the lower House of the General Assembly and in 1888 was elected to the State Senate. He also served as county school commissioner and county commissioner of swamp lands. After the burning of the county records in 1882 his abstract of land titles was made evidence in all courts by the Legislature. From 1871-76 and 1887-92 he was editor of the *Gayoso Democrat*. He was one of the pioneers in the belief in the future of Pemiscot county. In 1853 he married Miss Summerville Tomlin. He was a member of the Masonic order. He died in Gayoso, March 31, 1893.

William Chrisman (Democrat) was born in Fayette county, Kentucky, in 1822. He attended the schools in

that county and then entered Georgetown College. He later attended Center College at Danville, Kentucky, from which institution he received the degrees of A. B. and A. M. in 1846. He studied law in Danville and was admitted to the bar in 1847. He came to Independence, Missouri, in 1848 and from that time until 1871 he engaged in the practice of law. In 1857 he helped organize the banking house of Chrisman, Sawyer & Company. He was one of the incorporators of the First National Bank of Independence in 1865. He helped establish the Independence Female College and the Independence Library and gave liberally to both. After 1871, he retired from the practice of law and gave his time to looking after his banking interests and in developing his large farm near Lee's Summit. In 1848 he married Miss Lucy A. Lee of Danville, Kentucky. He was a member of the Presbyterian church. He died in 1897.

Edmund V. Conway (Democrat) was born in St. Louis county, Missouri, May 11, 1842. He studied law in Danville, Kentucky, and practiced in Southeast Missouri, having his office in Farmington. At one time he was judge of the probate court of St. Francois county. He was a hearty supporter of the Confederacy but on account of a severe injury he was unable to take an active part in the war. In 1868 he married Miss Cora Barritt. He was a member of the Knights of Pythias, Royal Arcanum and Masons. For many years he was a prominent member of the Presbyterian church. He died in St. Louis in April, 1884.

Louis F. Cottey (Democrat) was a resident of Knox county all of his life. He was born March 31, 1846. He attended school at Palmyra for a year and then entered Central College in Fayette, Missouri, graduating in 1869. After teaching school for two terms he began the study of law under Col. A. W. Doniphan in Richmond and was admitted to the bar in 1871 and practiced in Edina after that time. In 1872 he was elected county superintendent of schools and held the office for two terms. In 1876 he was elected to the lower House of the Legislature and in 1878 he

became a member of the State Senate. He was a delegate to the State convention that nominated Phelps and Crittenden and to the Democratic national convention of 1896. From 1903-08 he was a member of the State Board of Geology and Mines. In 1909 he bought a farm near Edina. On August 5, 1886, he married Mrs. Florence McGonigle. Mr. Cottey was a member of the Methodist Episcopal Church, South. Mr. Cottey died July 29, 1920.

T. W. B. Crews (Democrat) was born in Henry county, Virginia, March 16, 1832. He was educated at Jefferson College (Pennsylvania) and Union College (New York), graduating from the latter in 1852. He then studied law with Judge John C. Wright of Schnectady, New York, and completed his studies with W. B. Napton of Saline county, Missouri. From 1855 until the outbreak of the Civil War, he practiced law in Marshall, Missouri. He served for a time in the Confederate Army and was promoted to the rank of lieutenant-colonel. Being prevented by sickness from further military service, he returned home. He was captured by the Union troops and taken to St. Louis. After a time he was paroled but required to report in St. Louis every week. In order to be near military headquarters he removed to Franklin county and made that place his home the remainder of his life. In 1865 he opened a law office in St. Louis. With the exception of being a delegate to the Constitutional Convention of 1875, he held no public offices. In 1882 he lost the nomination for Congress by only one vote. He married Miss Virginia Jeffries in 1857. He died in St. Louis, June 25, 1891.

Samuel R. Crockett (Democrat) was born in Frankfort, Kentucky, May 15, 1831, and died in Nevada, Missouri, November 11, 1913. He was educated in the Frankfort schools and then studied law. He located in Vernon county, Missouri, in 1868. In 1870 he was elected circuit clerk of Vernon county. After 1875 he was, for a time, a resident of Texas. Returning to Missouri, he lived in Cedar county for a number of years, and served a term as probate judge

of that county. He later returned to Nevada. For a number of years he was editor of the *Vernon County Democrat.* While he did not see actual service in the Civil War, his sympathies were with the South. In 1862 he married Miss Helen Marr Duncan of Cooper county. He was a member of the Presbyterian church.

Lowndes Henry Davis (Democrat) was born in Jackson, Missouri, December 14, 1836 and died in Cape Girardeau, Missouri, February 5, 1920. After finishing the course at Arcadia Academy, he entered Asbury University at Greencastle, Indiana, where he graduated. He then attended Yale College, finishing the course in 1860. The Civil War interferred with his plans of going to Germany and he attended the Louisville Law School, gradauting in 1863. He was a Southern sympathizer but did not take an active part in the war. He opened a law office in Jackson in 1865. From 1868 to 1872 he was attorney for the Tenth judicial district. In 1872 he was an elector on the Brown-Greeley ticket. In 1876 he was elected to the lower House of the General Assembly. Two years later he became a member of Congress and was reelected in 1880 and again in 1882. He removed to Huntsville, Alabama, in 1892 where he lived on a plantation. In 1861 he married Miss Belle Hall of Shelbyville, Kentucky. He was a Mason and head of various temperance organizations. In 1897 he united with the Catholic church.

Leonidas J. Dryden (Democrat) was born in Montgomery county, Missouri, December 31, 1835 and died in St. Louis, December 28, 1909, He was educated at St. Paul's College at Palmyra, Missouri. He later studied law with his brother, John D. S. Dryden, and was admitted to the bar at Warrenton in 1859. There he practiced until 1901, specializing in commercial law. In 1876 he was elected to the Missouri House of Representatives. Mr. Dryden sympathized with the South during the Civil War, although he had freed his slaves before the beginning of the

war. In 1859 he married Miss Sarah C. Houston of Warrenton. He was a member of the Presbyterian church and of the Masonic order.

Benjamin R. Dysart (Democrat) was born in Howard county, Missouri, April 13, 1834. He entered Central College at Fayette, Missouri, in 1855 and attended McGee College in Macon county in 1856 and 1857. His legal training he obtained in Cumberland College at Lebanon, Tennessee. He began the practice of law at Bloomington, which was then the county seat of Macon county. In 1861 he entered the Confederate Army as captain of a company under General Price. Being severely wounded in the battle of Wilson's Creek, he was forced to retire from active service. In 1862 he removed to Macon, where he has since practiced. On March 27, 1866, Mr. Dysart married Miss Emma V. Turner of Pike county, Missouri. He is a member of the Presbyterian church and of the Masons.

James C. Edwards (Democrat) was born in Henry county, Virginia, August 25, 1824. About 1833 the family removed to Howard county, Missouri. His education was obtained in private academies. In 1846 he located on a farm in St. Ferdinand township in St. Louis county, after having spent several years as clerk and commander of boats on the Mississippi and other western streams. From time to time he added to his farm until he had a large estate. From 1848 to 1861 he was a director of the North Missouri Railroad and a part of the time served as president. In 1877 he was appointed associate justice of the county court of St. Louis county by Governor Phelps. He was later treasurer of the county. During the Civil War he was a Southern sympathizer and was confined in the Gratiot street prison for a time. He was married to Miss Ann E. Massey, a native of Fauquier county, Virginia in 1846. Mr. Edwards was a member of the Masonic order. He died in St. Louis county, December 15, 1883.

J. F. T. Edwards (Democrat) was a native of Tennessee, the date of his birth being July 25, 1826. He came to Mis-

souri in 1843 and was one of the earliest merchants in Arcadia. He later practiced law in Ironton. When Iron county was organized in 1857 he became the first clerk of the county and circuit courts. He represented the county in the Legislature in 1873. In 1880 he was elected judge of the probate court. During Cleveland's first administration he was postmaster at Ironton. During the Civil War he joined the Confederate Army and served as a major in Lowe's regiment. On October 2, 1851, he married Miss Belinda Carter who died within a year. In 1854 he married Miss Maria J. Pettit. He was a member of the Methodist church and of the Odd Fellows. He died at Ironton, July 29, 1890.

Charles D. Eitzen (Republican) was born in Bremen, Germany, August 20, 1819, and died in Hermann, Missouri, January 1, 1896. He located at Hermann in 1837, about the time that the first plat of the town was made. He became a clerk in a general store but soon bought out his employer. In 1841 he was commissioned by Charles P. Chateau to sell his lands bordering on the Missouri river between Washington and Gasconade. He engaged in the lumber business in 1855 and was also agent for the Meremac Iron Company. He became part owner in two steam boats and established the first ferry from Hermann to the north side of the river. At the time of his death he was the largest stockholder in the Laclede Gas Light Company and the Boatman's Bank in St. Louis and was largely interested in other banks in that city. Mr. Eitzen was for twenty-five years a member of the Hermann town board and for the greater part of that time was mayor. For about the same length of time he was identified with the management of the public schools. In addition to these local offices, Mr. Eitzen was a delegate to the State Convention which met in 1861 and was a member of the Twenty-ninth General Assembly. He was a Republican after the organization of that party. Previous to that time he had been a Whig. During the Civil War he favored the Union and served as a captain of a company of militia

which was in active service for a time. His will provided that $50,000 of his estate be used for the erection of a court house at Hermann. On April 23, 1844, he was married to Miss Jane Elizabeth Kehr of Hermann. He was a member of the Masonic order.

James L. Farris (Democrat) was born in Whitley county, Kentucky, May 7, 1833, but in 1835 the family removed to Jefferson county, Tennessee, and at a later date to Yancey county, North Carolina. He attended the Burnville (North Carolina) High School for four years. Coming to Missouri, he taught school in Ray county from 1856 to 1861. At the outbreak of the Civil War he enlisted in the Confederate Army and served throughout the war, attaining the rank of captain. He then went to Macoupin county, Illinois, where he taught and practiced law. In 1869 he returned to Richmond, Missouri, where he resided until his death. In 1872 he was elected prosecuting attorney of Ray county. At four different times he represented Ray county in the General Assembly,—in 1877, 1883, 1885 and 1891. In 1859 he married Miss Amanda Tisdale who died in 1862. In 1873 he married Miss Olivia Gaultney. He was a member of the Methodist church and of the Masonic order. He died in Excelsior Springs, Missouri, May 3, 1905.

Robert W. Fyan (Liberal) was born in Bedford county, Pennsylvania, March 11, 1835. Until he was seventeen he attended the common schools. After clerking in a store for three years he entered the office of John Cessna and studied law. He was admitted to the bar in 1858. Moving to Marshfield the same year, he opened a law office. He served one year as county attorney. At the outbreak of the Civil War, he entered the Union Army and was promoted to the rank of major before the close of the war. In 1865 he was appointed attorney for the Fourteenth judicial district. From 1866 to 1883 he was judge of that circuit. In 1866 he refused the Republican nomination for Congress. In 1870 he associated himself with the Liberal Republicans and

was a delegate to the State convention. After the campaign of that year he became a Democrat. He served three terms in Congress, being elected in 1882, 1890 and 1892. On December 26, 1866 he married Miss Elizabeth Harrison, who died in 1874. In 1876 he married Miss Elizabeth Hyer, daughter of John Hyer, of Dent county. He was a Mason and an Odd Fellow. He died in Marshfield, July 28, 1896.

Thomas Tasker Gantt (Democrat) was born in Georgetown, District of Columbia, July 22, 1814. His youth was spent on a plantation in Prince George's county, Maryland. He attended Georgetown College and then entered West Point Military Academy in 1831. At the end of his second year he received an injury which resulted in lameness and it was necessary for him to give up his hope of a military career. He studied law with Governor Pratt of Maryland and was admitted to the bar in 1838. He came to St. Louis in 1839 and made that city his home the remainder of his life. In 1845 he was appointed United States district attorney by President Polk and held the office for four years. During the cholera epidemic in 1849 he was head of an improvised board of health and for several months gave his time to prevent the spread of the disease. He was appointed city counselor in 1853 and served for two terms. He served as captain of a company of volunteer police which put down the "Know Nothing" riot in 1854. As a result of these riots he helped frame a law to prevent such occurrences, which became a part of the St. Louis criminal code. He was elected to the State Convention of 1861 on the Unconditional Union ticket. During the Civil War he served as judge advocate on McClellan's staff and was later provost-marshal-general of Missouri. On the establishment of the St. Louis Court of Appeals, he was appointed presiding judge and held that office until 1877. In 1845 Mr. Gantt was married to Miss Mary Carroll Tibbs, of Bellevue, Maryland. He died in St. Louis, June 17, 1889.

Louis Gottschalk (Liberal Republican) was born in Ems, Germany, on January 1, 1836. At the age of thirteen

he came, with his parents, the the United States. He studied law in New York and in Dubuque, Iowa, being admitted to the bar at the latter place in 1856. In 1858 he located in St. Louis. He served in the Union Army for nearly two years as captain of Company B, Fifth Missouri Infantry. In 1863 he was elected city attorney and in 1868 became a member of the city council. Elected to the State Senate in 1869, he was chosen president *pro tempore* of that body in 1871. From 1875 to 1879 he served as judge of the St. Louis Circuit Court. In 1889 he was appointed United States consul at Stuttgart, a position which he held for three and a half years. In 1863 he was married to Miss Nancy L. Gottschalk. He died in Los Angeles, California, January 1, 1901.

John B. Hale (Democrat) was born in Brooks county, Virginia, (now Hancock county, West Virginia) February 27, 1831. In 1841 his mother brought the family to Missouri. For a time he attended a school taught at Carrolton by Rev. Bartlett Anderson, after which he went to Brunswick to study law with the firm of Able & Stringfellow. He opened a law office in Carrolton when he had completed his studies. In 1856 he was sent to the Missouri Legislature and in 1860 was presidential elector on the Douglas ticket. In 1864 and again in 1868 he was a delegate to the Democratic national convention. He was an elector on the Greeley-Brown ticket in 1872. In 1884 he was elected to Congress from the Second district. He was defeated for the Democratic nomination in 1886 and, being endorsed by the Republican party, he made the race as an independent candidate, but was defeated. At one time he was nominated for appellate judge of the Kansas City Court of Appeals. About 1886 he became a member of the Republican party. During the Civil War he served as colonel in the Missouri Militia. In 1858 he married Miss Mary Clariborne Cosby. He died in Carrolton, February 1, 1905.

Westley Halliburton (Democrat) was born in Humphrey county, Tennessee, January 4, 1812, and died in

Milan, Missouri, June 16, 1890. In 1823 he came to Missouri with his parents, who located in Randolph county. He was mainly self-educated, having attended a country school for only a few months. He taught school for a while and then engaged in farming for four years. In 1837 he opened a store in Shelbyville and in 1839 he engaged in business at Woodville, in Macon county. During this time he studied law and was admitted to the bar in Bloomington about 1841. From 1845 to 1853 he lived in Linneus, at the end of which time he removed to Milan. About 1853 he started the first newspaper in Milan, *The Milan Farmer.* Between 1860 and 1873 he lived in Linneus, Brunswick and on a farm in St. Louis county but in the latter year he returned to Sullivan county where he spent the remainder of his life. He was one of the incorporators of the old Hannibal & St. Joseph Railroad. He held numerous public offices. In 1839 he was elected assessor of Shelby county. In 1840 he was chosen judge of the county court of Macon county. From 1844 to 1851 he was circuit attorney and the next year was elected to the General Assembly from Linn county. In 1853 President Pierce appointed him receiver of public moneys for the Chariton land district, with headquarters at Milan. He was elected to the Missouri House of Representatives in 1857 to fill a vacancy. In 1857 and again in 1882 he was sent to the State Senate. In 1888 he was appointed probate judge to fill out an unexpired term. In 1833 Mr. Halliburton married Miss Sophia Holman of Macon county, who died in 1841. He afterwards married Miss Armilda Collins, of Randolph county who died in 1866. In 1878 he married Miss Juliette Owens of Chariton county. He was a member of the Baptist church and of the I. O. O. F.

Charles Hammond (Democrat) was born in Brooks county, Virginia (now West Virginia), March 5, 1836. He was educated at Lafayette College at Easton, Pennsylvania, graduating in 1857. In 1858 he came to Chariton county, Missouri, where he taught school for a time. He studied law in the office of Thomas H. Price, of Brunswick, and was

admitted to the bar in 1860. He opened a law office in Brunswick and made that place his home the remainder of his life. He was elected to the State Legislature in 1876, this being the only public office held by Mr. Hammond aside from that of delegate to the Constitutional Convention of 1875. On September 6, 1860, he married Miss Pocahontas Cabell. He was a member of the Presbyterian church. He died in Brunswick in December, 1897.

Neil C. Hardin (Democrat) was born in Pike county, Missouri, in 1846. He received a thorough collegiate education and then began the study of law, graduating from the Harvard Law School with distinction. He began the practice of law in Louisiana, Missouri, and soon afterwards was elected city attorney. In 1871 he was a member of the General Assembly. Since the Constitutional Convention of 1875 he has held no public offices. In 1873 he married Miss Etta McMakin of Vavay, Indiana. Mr. Hardin has now given up the practice of law, devoting his time to looking after his business interests.

Junius A. Holliday (Democrat) was born in Fayette, Missouri, June 12, 1829, and died in Hamilton, Missouri, July 17, 1901. He was the son of Benjamin Holliday, who with Nathaniel Patten, founded the *Missouri Intellegencer* at Franklin, Missouri, in 1819. This was the first newspaper established west of St. Louis. He first studied under private tutors,—William McNair, David Lucky and Carr Pritchett. He then studied law at Central College and later continued his studies at St. Charles. He practiced first in St. Charles with his uncle, Judge Andrew King, and later they opened an office together in St. Louis. In the early sixties he removed to Fayette where he practiced until 1866, at which time he opened a law office in Hamilton, Missouri. He was the second resident attorney in Hamilton. For three terms he was a clerk in the State Senate. He was a candidate for judge of the Fourth district in 1880 but was defeated. He was in Gallatin, Missouri, for one year, straightening out the books of the Gallatin Savings Bank.

During the Civil War he was a colonel in General Price's Home Guard Reg. C. S. A., but the war closed before he saw active service.

JOHN HYER (Democrat) was born in Lancaster county, Pennsylvania, in 1810, and died in Lake Spring, Missouri, December 5, 1890. He received a common school education and later studied medicine. In 1838 he came to Missouri and began his practice at Lake Spring. In 1842 he was a member of the Missouri House of Representatives, representing Crawford county, which at that time included the greater part of that section of the State. He again served in that body in 1848 and secured the organization of Dent county. He was elected to the State Senate in 1860 and when Missouri was divided politically, he was one of the members who went to Neosho with Governor Jackson. He was elected to the Confederate Congress at the session held there. Some years before the Civil War he was instrumental in the establishment of Union Academy in Lake Spring, giving the land upon which it was built. The academy was burned during the war and was not rebuilt. In 1842 he was married to Miss Mary Ann Ruth of Philadelphia. He was a member of the Baptist church and the Masonic order.

HORACE B. JOHNSON (Republican) was born in Riley, McHenry county, Illinois, August 14, 1842. In 1852 the family removed to Fayette county, Iowa. He taught summer school to enable him to attend Iowa University, where he was a student at the beginning of the Civil war. He served in the Union army as captain of Company "L," First Missouri State Militia Cavalry. He was detailed on special duty as judge-advocate of a military commission. After his discharge from the army he located in Kansas City, Missouri. From 1864 until 1868 he was attorney for the Sixth judicial circuit. In 1868 he was elected Attorney-General of Missouri. After the expiration of his term of office he practiced law in Jefferson City. In 1873 he was appointed assistant United States district attorney for the

western district of Missouri. He removed to Topeka, Kansas, in 1877, remaining there for about two years. He then went to Leadville, Colorado. In 1886 he located in Denver, Colorado. He was a frequent contributor to the oldest legal periodical in America. Mr. Johnson was twice married. He died in Excelsior Springs, Missouri, March 30, 1904.

Thomas J. Johnston (Republican) was born in Perry, Pike county, Illinois, August 20, 1836. He attended the common schools of that county and Christian University in Canton, Missouri. He studied law with Col. D. H. Gilmer and was admitted to the bar in 1860. For a year he practiced in partnership with Col. Gilmer. From that time until 1864 he traveled through the West, at which time he located at Milan, Missouri. He held the office of attorney for Sullivan county for one year. He was then appointed to fill a vacancy in the office of judge of the probate court and was afterwards elected to that position. In 1870 he went to Maryville, Missouri, where he practiced the remainder of his life. In 1858 he married Miss M. E. Chenowith. He was a member of the Christian church. He died in Maryville, February 15, 1897.

Henry C. Lackland (Democrat) was born in Rockville, Montgomery county, Maryland, August 26, 1830. In 1833 the family came to St. Louis county, Missouri. He was graduated from St. Charles College in 1848. He then studied law in the office of Robert H. Parks, and was admitted to the bar in 1852. For some time he taught school, for three years holding the chair of mathematics in St. Charles College. He then engaged in civil engineering for several years but after 1859 devoted his time to the practice of law. From 1858 to 1861 he was school commissioner of St. Charles county. He also served as city attorney and city councilman of St. Charles. In 1856 he married Miss Nannie Harden of Washington, Missouri. He was a member of the Episcopal church. His death occurred on November 8, 1908.

Alfred M. Lay (Democrat) was born in Lewis county, Missouri, May 20, 1836. In 1842 his parents removed to Benton county. He was educated in a private school in Benton county and at Bethany College, where he was graduated in 1856. He studied law in the office of Attorney-General Gardenhire and was admitted to the bar in 1857. A few months later he was appointed United States district attorney for the western district of Missouri. He resigned at the beginning of the Civil War and enlisted in the Confederate Army, rising to the rank of major before the close of the war. In 1874 he was a candidate for the nomination for Congress, and received the greatest number of votes for 691 ballots, after which he withdrew his name and Judge John F. Phillips was nominated. In 1876 he was the nominee for Congress but was not elected until 1878. He died in Washington D. C., December 9, 1879. In 1858 he married Miss Nannie Boone of Howard county. He was a member of the Christian church and of the Masonic order.

William H. Letcher (Democrat) was born in St. Louis, Missouri, September 4, 1824, and died in Kansas City, Missouri, November 24, 1897. His early education was secured under the direction of Elihu Shepherd. He then attended Washington College (now Washington and Lee University). He returned to St. Louis in 1845 where he studied law with William M. Campbell and Edward Bates. He was licensed to practice in 1848 and located in Marshall, Missouri. In 1849 he acted as postmaster of Marshall and served as justice of the peace. From 1852 to 1856 he was county commissioner of schools. He was elected to the lower House of the General Assembly in 1856 on the Whig-American ticket and was re-elected in 1858. In 1860 he was nominated for the Senate on the Constitutional Union ticket but withdrew. In 1861 he located in the Napa valley of California and formed a law partnership with General John Wilson. His efforts on behalf of the Union were continued in California. Returning to Missouri, he located in St. Louis in 1868 where he entered into partnership with T. W.

B. Crews and Joseph Laurie. In 1873 he returned to Marshall where he spent the remainder of his life. In 1848 he married Miss Evalina Hurt Ranson of Union, Missouri, who died in 1851. In 1853 he married Miss Ann Bracket Ranson. Mr. Letcher was a member of the Methodist church and of the Masonic order.

Charles B. McAfee (Democrat) was born near Lexington, Kentucky, March 25, 1832. While he was only a child his parents came to Missouri, locating first in Marion and afterwards in Shelby county. His education was largely self-acquired as he attended a short subscription school only a few months. He learned carpentering and while engaged in this trade, spent his spare time reading law under the direction of his uncle, John McAfee. He was admitted to the bar of Harrison county in 1854 and practiced there until the outbreak of the Civil War. He then entered the Union Service, rising to the rank of major. For a time he served as judge advocate of the district of Southwest Missouri on the staff of General John B. Sanborn. At the close of the war he located at Springfield where, for many years he was in partnership with John S. Phelps. In 1868 and in 1872 he was the Democratic nominee for Congress but was defeated. In 1896 he was made judge of the criminal court of Greene county and was re-elected in 1900. He was heavily interested in many of the early industries of Springfield, having been the leader in the building of the Springfield cotton factory, cotton foundry, wagon company, the Metropolitan hotel and the traction company. In February 1864, he married Miss Martha Elizabeth Ritchey of Newton county. He was a Mason and a K. P. He died in Springfield, February 28, 1916.

Edward McCabe (Democrat) was born in New Castle county, Deleware, August 6, 1827. He received a good classical education in the schools of his native county, after which he studied law in the office of P. Sheward Johnson at Wilmington, Deleware. In 1849 he went to New Orleans and came to St. Louis the following year. He located in

Palmyra in 1850 and studied with John D. S. Dryden. He was admitted to the bar in 1852. For a time he was political editor of the *Palmyra Whig*. He was the chief promoter of the Quincy & Palmyra Railroad and was secretary and attorney for the road for many years. After the dissolution of the Whig party he became a Democrat and served for many years as chairman of the Marion County Executive Committee and for some time as a member of the State board. In 1872 he missed the nomination for Attorney-General by only a few votes. In 1876 he was one of the presidential electors for Missouri. In 1854 he married Mrs. Mary R. Johnson, daughter of Dr. David Greene, of New York City. He was a member of the Episcopal church and of the Ancient Order of United Workmen. He died at Palmyra, January 14, 1913.

Archibald V. McKee (Democrat) was born in Harrison county, Kentucky, November 6, 1831, and died in Troy, Missouri, July, 13, 1884. He attended Hanover College (Indiana), graduating in 1851. He then began the study of law, attending lectures at the Indiana State University and finishing the course in 1853. In 1854 he opened an office at Troy, Missouri. In 1854 he was appointed school commissioner of Lincoln county and held the postition for three years. From 1855 to 1857 he was editor of the *Troy Gazette*, later *The States Rights Advocate*. He later served as city attorney and county attorney. He was a delegate to a number of county and State Democratic conventions. During the Civil War, Mr. McKee was a Southern sympathizer. In 1862 he married Miss Clara Wheeler of Lincoln county. He was a member of the Presbyterian church and of two fraternal organizations, the Masons and Odd Fellows.

Macolm McKillop (Republican) was born in Inverness, Megantic county, Province of Quebec, Canada, April 17, 1837. He attended a preparatory school at Northfield, Vermont. He then studied at the University of Vermont, taking the degrees of A. B. (1861) and A. M. (1864). He had taught school to defray his expenses through college

and he continued in this profession after his graduation, and studied law in his leisure time. For two years he was in charge of an academy at Morrisville, Vermont, and from 1863 to 1865 conducted the Sandwich grammar school in Windsor, Canada West. He was admitted to the bar in Canada in 1865. Returning to the United States, he took up his residence in Dixon, Illinois, where he continued his legal studies with George P. Goodwin. In 1866 he removed to Rock Port, Missouri. From 1868 to 1872 he was county surveyor of Atchison county and for two years, 1867-8, he held the office of superintendent of common schools. He was elected to the State Senate in 1888. He also served as mayor of Rock Port. He married in 1868, Miss Carrie L. Thurber, of Como, Illinois. He was a member of the Presbyterian church and of a number of fraternal organizations, including the Masons, Odd Fellows and A. O. U. W. He died at Rock Port, September 8, 1899.

Pinckney Mabrey (Democrat) was born in Rockingham county, North Carolina, November 2, 1819. When he was a few months old his parents removed to Tennessee, and in 1838, they located in Cape Girardeau, Missouri. He was educated in the public schools of Tennessee and Missouri. He was justice of the peace at Cape Girardeau and afterwards clerk of that county. Removing to Wayne county in 1854, he was elected justice of the peace and acted as district assessor and deputy circuit and county clerk. Upon the establishment of the county and probate court in Wayne county he was made the first judge. In 1860 he went to Stoddard county where he again became the deputy clerk of the county court. In 1866 he was elected judge of the probate court but lost the office in an election contest the following year. He became a resident of Ripley county in 1868 and in 1870 was elected to the Missouri House of Representatives. From 1876 to 1883 he was editor of the *Doniphan Prospect*. He was married in 1856 to Miss Ellen C. Ronald of Fredericktown, Missouri, who died in 1869. In 1872 he married Miss Grace A. Babgy of Callaway county.

Mr. Mabrey was at one time a member of the Odd Fellows but dropped out of the order because there was no organization in Ripley county. He died in Doniphan, November 27, 1890.

Benjamin F. Massey (Democrat) was born in Chestertown, Kent county, Maryland, on January 23, 1811. Owing to financial reverses just as he was ready for college, he was unable to continue his education but he was a student of history and a well read man. He came to Missouri in 1836 and engaged in the mercantile business and in the Sante Fe trade. He lived for some years on a farm on Spring river in Lawrence county. He went to California during the gold rush but not only did he not prosper financially, but his health was seriously impaired. Returning to Missouri, he engaged in the mercantile business in Sarcoxie, Jasper county. About 1873 he went to Neosho. Mr. Massey took a prominent part in the political affairs of the State. In 1842 he was elected to the State Senate and in 1845 he was a member of the State Constitutional Convention. He was chief clerk in the Missouri House of Representatives from 1846 to 1848. In 1856 he was elected Secretary of State and re-elected in 1860. When the State Convention met in 1861 he was, with other State officers, ousted from office. He was a supporter of Governor Jackson and went with him to Neosho where a Confederate State government was set up. In 1839 Mr. Massey married Miss Maria Hawkins Withers of Cooper county, a native of Virginia. He died in St. Louis in 1880.

James H. Maxey (Democrat) was born in Lawrenceburg, Tennessee, December 23, 1843. At the outbreak of the Civil War he enlisted in the Confederate Army, serving until the end of the war as captain of Company E Thirty-third Tennessee Infantry. After the close of the war he entered the University of Tennessee, graduating from the School of Law in 1868. He then went to Leavenworth, Kansas, where he was employed as wagon boss. He made several trips with ox teams to Sante Fe and to San Francisco.

In the early seventies he located at West Plains, Missouri, where he engaged in the practice of law. In 1890 he removed to Norman, Oklahoma. About 1894 he gave up his practice and engaged in the banking business. He organized the first bank in Pattowatomie county at Tecumseh, Oklahoma. He was the Democratic candidate for delegate to Congress in 1890 but was defeated and was a member of the Convention which framed the Constitution of Oklahoma in 1908. He was married to Miss Marie Reed of West Plains Missouri, April 1, 1875. He died at Shawnee, Oklahoma, December 21, 1909.

Nicholas A. Mortell (Democrat) was born in the County of Cork, Ireland, in 1843. When nine years old he came to the United States and for three years worked as a newsboy in New York. In 1835 he set out for the West, and located in Alton, Illinois, where he began to learn the trade of a coppersmith. There he attracted the attention of Col. George B. Ingersoll of Shipman, Illinois, who sent him to St. Paul's College at Palmyra, Missouri. He was graduated from that institution in 1861. For a year following he had charge of the Cathedral school at Alton, Illinois, and then took up the study of law in the office of Judge Krum of St. Louis, and was admitted to the bar. In 1866 he was a delegate to the Great Fenian Convention held in New York. He was a member of the 1871 General Assembly. In the same year he was elected city attorney of St. Louis. He died in St. Louis, March 1, 1876.

Henry T. Mudd (Republican) was born in Maysville, Kentucky, October 27, 1818. The family came to Missouri in 1819, locating in Pike county. He was educated in the local schools of that county. He was first employed in a store in Louisiana, Missouri. He then worked in Pittfield, Illinois, where he was finally taken into partnership by his last employer, Elder Jacob Hodgen. In 1856 he removed to St. Louis and engaged in the commission business. This venture proved unsuccessful. He then began trading in land and built up a large business. He became president

of the Ozark Land Company. Mr. Mudd took an active interest in politics and held several public offices. He was a Whig until the dissolution of that party. From 1843-47 he was a clerk of the county court of Pike county, Illionis, and was auditor of St. Louis county from 1859 to 1865. For a time he was president of the board of assessors of St. Louis county. He was a member of the Missouri House of Representatives in 1873 and 1879. He was one of the board of freeholders which arranged the plan of separation between St. Louis and the county. At various times he was town trustee and school director in Kirkwood. He served one term as Curator of the University of Missouri. He was president of the Missouri Horticultural Society for nine years (1859–69) and was the first president of the State Agricultural Board, serving from 1865-1874. During the Civil War, Mr. Mudd was a strong Union man. He was married to Miss Sarah Elizabeth Hodgen, October 26, 1841. She died in 1883 and in 1884 he married Miss Katherine Lucinda Brown. He was a member of the Masonic order. He died in St. Louis, May 1, 1903.

Edmond A. Nickerson (Democrat) was born in Baltimore, Maryland, August 31, 1835 and died in Warrensburg, Missouri, April 21, 1920. He was educated at the Baltimore Collegiate Institute, receiving a thorough classical training. At the age of eighteen he began the study of law with Charles Z. Lucas, of Baltimore, and was admitted to the bar three years later. For about eighteen months he practiced in Parkersburg, Virginia. He then came to Missouri, locating at Union, in Franklin county. When the Civil War began, he retired to his farm in St. Louis county. He was a Southern sympathizer but took no part in the war. In 1866 he located in Warrensburg where he gave his time particularly to land litigation. In 1872 he organized the Warrensburg Savings Bank and was its first president. He was a delegate to the Democratic national convention of 1876, and always took an active interest in politics. In

1862 he married Miss Huldah Ann Tyler of St. Louis county. He was an active member of the Odd Fellows.

Elijah H. Norton (Democrat) was born at Russellville, Kentucky, November 21, 1821. His literary education was acquired at Russellville and at Center College, Danville, Kentucky. He entered the School of Law of Transylvania University, graduating in 1841 or 1842. Coming to Missouri in 1845, he located at Platte City and began the practice of law. In 1846 he was nominated for the Legislature but declined to make the race. In 1850 he was appointed county attorney. In 1852 he was elected circuit judge and re-elected in 1856. He was elected to Congress in 1860; in 1862 his election was declared illegal. He was again a candidate in 1864 but was defeated through the disfranchisement of a large body of his constituents. He was a member of the State Convention called to consider the relations between the State and the Union, where he opposed secession. During the war he used every effort to maintain a responsible militia force for the protection of property. In 1876 he was appointed to the Supreme Court of Missouri to fill a vacancy and in 1878 was elected to the same office. In 1891 he was made a member of the State School Book Commission. Ill health compelled his retirement from public life and he spent the last years of his life on his farm at the edge of Platte City. From 1871 until his death he was a trustee of William Jewell College and in 1882 that college conferred upon him the degree of LL. D. In 1850 he married Miss Malinda Wilson, who died in 1873. He was married to Mrs. Missouri A. Marshall in 1877. Mr. Norton was a member of the Baptist church and of the Odd Fellows. He died August 6, 1914.

Phillip Pipkin (Democrat) was born near Marshall, Tennessee, November 6, 1814 and died in Farmington, Missouri, June 6, 1883. He attended the local schools in his native state and then entered Cumberland College where he graduated in 1834. He came to Missouri the same year and for the next few years engaged in farming and teaching.

In 1846 he was admitted to the bar in Jefferson county. In 1858 he removed to Arcadia and had his office in Ironton. He was the first resident attorney in Iron county. During the Civil War he was forced to leave his home on account of sympathy with the South. He returned to Jefferson county, where he operated a farm. After 1874, however, he devoted all of his time to the practice of law. In 1880 he removed to Farmington. He was elected to the Missouri House of Representatives in 1840 and in 1849 was a justice of the county court of Iron counry. He was a member of the Constitutional Convention of 1845 and of the State Convention of 1861. In 1862 he was elected judge of the Twenty-sixth judicial circuit but the law under which he was elected was declared unconstitutional. He was a delegate to the Democratic national convention in 1864. He was a member of the M. E. Church, South, and was affiliated with the Masons and Odd Fellows. Mr. Pipkin was twice married.

William Priest (Democrat) was born in Fauqier county, Virginia, March 4, 1808. His opportunities for an education were limited but he became one of the best informed men in the state. He came to Missouri in 1832 and engaged in farming. In 1853 he became a minister in the Ironside Baptist church, and continued this work, in addition to his farming, until his death. He would never preach for a salary, taking only what the congregation felt like giving. From 1846-50 he was a member of the State Senate. In 1854 he was a candidate for Representative from Ralls county but was defeated by five votes. In 1872 he was elected judge of the county court of Ralls county, holding the office for three terms. During the Civil War he was an ardent Southern sympathizer. On January 7, 1830, he married Miss Sarah H. Payne. He died on his farm near New London, March 28, 1892.

Joseph Pulitzer (Democrat) was born at Budapest, Hungary, April 10, 1847. He studied under private tutors in his native country. At the outbreak of the Schleswig-Holstein War he entered the army and served until the close

of the brief war. Coming to the United States in 1864, he immediately enlisted in the First New York Lincoln Cavalry. He came to St. Louis at the close of the war doing any work he could find, however menial. During this time he was familiarizing himself with the English language. He secured a position with the Atlantic & Pacific Railroad, traveling through the State, recording in each county the land grants made to that company. He soon attracted the attention of Carl Schurz who offered him a position on the *Westliche Post.* Within six months Mr. Pulitzer became managing editor and part owner of the paper. He retired from the management of the paper in 1872 but retained his interest in it until 1875. In 1876 and 1877 he was the Washington correspondent for the *New York Sun.* In 1878 he purchased the *St. Louis Dispatch* which he soon combined with the *Evening Post.* He became sole proprietor of the consolidated paper, the *Post-Dispatch* in 1879. In 1883 he bought the *New York World* and under his management the paper built up a circulation that had no rival for years. In 1887 he broke down from overwork but continued the supervision of the papers. In 1869 he was elected to the Misssouri Legislature and in 1870 was appointed one of the police commissioners of St. Louis. Mr. Pulitzer was one of the leaders in the Liberal Republican movement and was a delegate to the national convention in Cincinnatti. After the decline of that party, he was affiliated with the Democratic party. He was elected to Congress from New York in 1884, and served from March 4, 1885 until April 10, 1886, when he resigned. He died on his yacht in Charleston harbor, November 29, 1911. His will provided that a million dollars of his estate go toward the establishment of a School of Journalism in Columbia University. Half that amount was left to the Philharmonic Orchestra of New York.

John Ray (Democrat) was born near Glasgow, Barren county, Kentucky, January 19, 1828. His education was mainly self-acquired, having attended the district schools for only a few months. He taught school for several terms,

studying medicine at night. In 1851 or 1852 he located in Barry county, Missouri, where he began the practice of medicine. He soon removed to Pineville and later to Corsicana. In addition to his practice he conducted a mercantile establishment. About the time of the Civil War he located at Cassville. He was an elector on the Bell-Everett ticket in 1860. During the war he served as county recorder, county clerk and circuit clerk. For a time he was in charge of a United States hospital at Cassville. In 1872 he purchased the *Cassville Democrat* which he edited until his death, January 3, 1888. About 1850 he married Miss Elizabeth Means, a native of Monroe county, Kentucky. He was affiliated with the Masons.

James H. Rider (Democrat) was born in Shelby county, Missouri, October 12, 1841. He attended Howard High School (now Central College) at Fayette, Missouri. For two hears he studied medicine under Dr. J. B. Winn, of Macon county. During the fall and winter of 1860-61 he attended the St. Louis Medical College and was granted a diploma. He began the practice of his profession in 1861 at Callao, Missouri. In September of that year, he volunteered in the State Guards under General Price. After several months he enlisted in the regular Confederate Army and was in charge of various hospitals throughout the South. After the war he practiced for a time in Macon County. In 1866 he removed to Pine Bluff, Arkansas, where he remained until 1868. He then located in Marble Hill, Missouri, remaining there until 1876, when he removed to Cape Girardeau. In 1882 he organized the Cape Girardeau Building and Loan Association and was its president for twenty years. For many years he was a member of the Cape Girardeau city council. On November 26, 1873 he married Miss Mattie A. Leech of Cape Girardeau. He was a member of the Methodist Episcopal Church, South, and of two fraternal organizations, the Masons and the A. O. U. W. He died in Cape Girardeau, December 23, 1902.

John R. Rippey (Democrat) was born in Schuyler county, Missouri, November 25, 1843. He was educated in the common schools of the neighborhood and in the Lancaster High School. He then engaged in farming, purchasing his father's homestead and adding to it. During the Civil War, his sympathies were with the South. In 1881 he was the Representative from Schuyler county to the General Assembly. From 1883 until 1901 he was connected with the State Board of Agriculture, being Secretary from 1893 to 1901. He was the first secretary of the Missouri State Fair, holding that office from 1901 until 1908. He became editor of the *Lancaster Excelsior* in 1898, continuing that work until his death, January 17, 1909. He was a member of the Board of Curators of the University of Missouri from 1891 to 1897. In 1867 he married Miss Mary Elizabeth Dickerson, of Monroe county. He was a member of the Baptist church. He was a Mason and took an active part in the work of the Grange.

James C. Roberts (Democrat) was born in Davidson county, Tennessee, January 19, 1831. He attended the local schools and later entered Franklin College in Davidson county, graduating in 1850. He studied law in the office of John A. McEwen of Nashville, Tennessee. He was licensed to practice in 1853 and opened an office at Dover, now Fort Donelson. In 1855 he came to Missouri and located on a farm in Buchanan county. After several years he removed to St. Joseph where he practiced law until 1860. In 1860 he was elected to the State Legislature but that body was disorganized the following year. Mr. Roberts was a Southern sympathizer and was therefore ousted from office and disfranchized. At one time, he lacked only three votes of being nominated for Congress. He was a member of the Board of Managers of State Hospital No. 2, and was president of the board at the time of his death. He was active in the organization of the State Grange. He was a Mason. In 1855 he married Miss Cornelia Ingram of Dover, Tennessee. He died at his home near St. Joseph, April 4, 1885.

James P. Ross (Democrat) was born in Circleville, Ohio, December 14, 1809. He obtained a good English education and studied law at Transylvania University. He came to Morgan county, Missouri in 1836 and, with the exception of a short time spent in California during the gold rush, he spent the remainder of his life there. In 1844 he was admitted to the bar. He was probate judge of Morgan county and in 1849 was elected county attorney. He was a delegate to the State Convention of 1861 which met to consider the relations of the State of Missouri to the Union. He was a Union man but did not take an active part in the war. In 1836 he married Miss Lucy Joyce of Jeffersonville, Missouri. He was a member of the Episcopal church. He died in Versailles, April 17, 1893.

John W. Ross (Democrat) was born in Lexington, Kentucky, November 26, 1832, and died in Bolivar, Missouri, January 13, 1917. He was educated in the Lexington schools and in Transylvania University, graduating with high honors from both the literary and law departments in 1856. He also studied law in the office of Judge Shy and Senator Beck of Kentucky. He was admitted to the bar in 1855. Soon afterwards he went to Kansas, remaining there for two or three years. In 1858 he located in Platte City, Missouri, where he remained until the Civil War. He then enlisted in the Confederate Army and served throughout the war, was made a captain and served as brigade adjutant. For two years after the war he taught in Kentucky and in 1869 located in Bolivar, practicing law there for the next forty-eight years. He was several times a candidate for prosecuting attorney but Polk county was Republican and he was defeated. In 1896 he disagreed with his party on the money question and from that time on, he voted with the Republican party. In 1902 he was elected probate judge. He held many minor offices, such as mayor and justice of the peace. He frequently served as special judge of the circuit court. On Spetember 24, 1870, he

married Miss Sallie E. Munford. He was a member of the I. O. O. F.

John F. Rucker (Democrat) was born in Amherst county, Virginia, September 19, 1838. He came to Sturgeon, Missouri, in 1858. At the outbreak of the Civil War he entered the Confederate service and served in various engagements. Coming home after the battle at Lexington, he was captured by the enemy. He was paroled but was later re-arrested on charge of treason and conspiracy, being finally banished to Montana during the War. While there he was elected chief clerk of the Montana Legislature and also a member of the Territorial Constitutional Convention. Returning to Sturgeon, he engaged in the mercantile business. He also conducted an extensive business in railroad ties. He was a director of the Sturgeon bank. In 1889 he went to Rolla, Missouri, where he entered the tie and timber business. For a number of years he was chairman of the Congressional Central Committee. In 1867 he married Miss Julia Rucker of Audrain county, Missouri, who died in 1879. In 1880 he married Miss Frances Jane Dingle of Mexico. He was a member of the Methodist Episcopal Church, South, and of the Masonic order. He died in Sturgeon, December 28, 1889.

Thomas Shackelford (Democrat) was born in Saline county, Missouri, February 6, 1822. He studied under private tutors and attended a private school at Fayette, Missouri, which was conducted by Archibald Patterson. He studied law under Judge Abiel Leonard and was licensed to practice in 1842. He located at Glasgow and with the exception of a year in St. Louis, he resided there the rest of his life. His law partner in St. Louis was Washington Adams, the delegate from Cooper county. Mr. Shackelford was a strong Union man. In 1871 he became the first president of the Glasgow Savings Bank, and continued to hold that position until his death. He also devoted much time to looking after his farming interests. For more than twenty years he was a director of the St. Louis, Kansas City & Chi-

cago Railroad. Mr. Shackelford took an active interest in political affairs. He was a Whig before the breaking up of that party. He was a delegate to the State Convention of 1861 which ousted Governor Jackson and his adherents. He was a delegate to almost every Democratic State convention held after the war. For many years he was a member of the Board of Directors of the Missouri Training School at Boonville. On June 15, 1851 he married Miss Sarah E. Harrison of Glasgow. He was a member of the Methodist Episcopal Church, South, and was a delegate to the Centennial Conference and to the Pan-Methodist Conference in Baltimore. He was an Odd Fellow. He died in Glasgow, March 10, 1908.

John H. Shanklin (Democrat) was born in Monroe county, Virginia, (now West Virginia) November 2, 1824, and died in Trenton, Missouri, June 14, 1904. He attended the local schools in the community and supplemented this meager education by reading every available book. He taught school for two terms and worked on a farm for a time. Coming to Missouri in 1846, he located in Grundy county. When the Mexican War broke out, he gave up teaching and enlisted in Company A, Missouri Volunteers, Indian Guard Batallion. He was mustered in the fall of 1848 and returned to Trenton. About 1850 he was elected probate judge but resigned before the expiration of the term. In 1851 he was admitted to the bar and two years later he formed a partnership with Jacob T. Tindall. In 1859 James Austin became a member of the firm and banking was added to the practice of law. In 1861 he was made division inspector of State troops by Governor Gamble with the rank of Colonel. With a part of his command he was on duty at Chillicothe until the close of the war. After the death of Captain Tindall at Shiloh, he became a member of the State Convention at the sessions of 1862 and 1863. After the war he resumed the banking business and the practice of law. He was president of the Chillicothe & Des Moines Railroad and arranged for its transfer to the Chicago & Southwestern Railway Com-

pany. He was also president of the Grundy County Coal Company and the Trenton Handle Manufacturing Company and, for a time, of the Trenton Gas and Electric Light Company. He was president of the Missouri Bar Association in 1882-3, and was a frequent contributor to the *Central Law Journal.* In 1890 he was made a member of the Town Site Commission No. 1 of Oklahoma Territory. On January 22, 1850, he married Miss Kittie Ann Collier. He was an Odd Fellow.

George H. Shields (Republican) was born in Bardstown, Kentucky, June 19, 1842. The family removed to Missouri in 1844 and located at Hannibal. He attended a grammar school from 1859 to 1861 and then entered Westminster College at Fulton, where he continued his studies until 1861. He began the study of law under W. P. Harrison but the Civil War interrupted his studies. He enrolled as a member of Company E of the Fifty-third Missouri Regiment. Toward the end of the war he was commissioned captain and assistant quartermaster of his regiment. One of his brothers was in the Confederate army. Later, when he was chairman of the Republican State Committee, this brother was chairman of the Democratic State Committee. In 1864, Mr. Shields entered the Louisville Law School, graduating in 1865. He practiced in Hannibal from 1866 to 1873. Removing to St. Louis, he entered into partnership with John B. Henderson. In 1895 he became associated with General Noble. He has held a number of public offices. He served three terms as city attorney of Hannibal. In 1870 he was a delegate to the Republican State convention and the following year served in the Legislature. In 1876-80 he was chairman of the Republican State Committee. He was president of the board of freeholders which formed the plan of separation between St. Louis and the county. He was appointed Assistant Attorney-General of the United States in 1889 and served until 1893. Toward the close of President Harrison's administration, he appointed Mr. Shields to act as agent and council of the United States and

Chilean Claims Commission. He was master in chancery of the United States district court from 1876 to 1906. In 1906 and again in 1914 he was elected judge of the St. Louis Circuit Court. He is a canditate for re-election in 1920. Westminster College conferred the degree of LL. D. upon him in 1892. In 1866 he married Miss Mary Harrison Leighton. He is a member of the Frank Blair Post G. A. R. and of the Sons of the American Revolution. He is a member of the Presbyterian church.

Henry J. Spaunhorst (Democrat) was born in Belm, Kingdom of Hanover, January 10, 1828. The family came to St. Louis in 1836. His education was largely self-acquired although he attended an excellent private school for a few terms. At the age of fourteen he began work as a clerk in a grocery. For several years he worked on his father's farm in Franklin county. In 1849 he returned to St. Louis and again worked for a firm of grocers. Four years later he commenced business for himself, establishing a wholesale grocery, which he conducted for many years. He was one of the organizers and directors of the Franklin Fire and Marine Insurance Company, the Franklin Savings Institute, and the Central Savings Bank and the German Homestead and Building Association, being president of the last two organizations. He was also one of the first directors of the Life Association of America. In 1872 he began the publication of *Amerika*, a Catholic newspaper. From 1867 to 1873 he was a member of the State Senate. In March, 1875, he was appointed one of the State Railroad Commissioners but refused the office. In 1881 he became the Labor Commissioner of Missouri. In 1850 he married Miss Catherine Richter of St. Louis, who died in 1852. Two years later he married Miss Mariana Brunsmann. He was a member of the Catholic church and was connected with various benevolent orders connected with that church, helping organize the German St. Vincent Orphan Association and the St. Joseph Benevolent Society. From 1873 to 1891 he was president of the German Roman Catholic Central Society and was then

made honorary president for life. He also served as president of the Catholic Benevolent Union of the United States. He died at St. Louis in 1907.

William F. Switzler (Democrat) was born in Fayette county, Kentucky, March 16, 1819. The family came to Missouri in 1826, locating in Fayette but removing to a farm near Franklin in 1830. He first attended a local school taught by Lawrence J. Daley in Fayette. He later attended the Mount Forest Academy near his home. In 1839-40 he began the study of law, receiving occasional aid from Judge Abiel Leonard and Col. Jo Davis of Fayette. In 1841 he went to Columbia and continued his legal studies with Major James S. Rollins. He was admitted to the bar in 1841 and practiced until 1845. In 1840 he had written a series of articles favoring the election of Harrison which had been published in the *Boonslick Times* at Fayette. In 1841 he became the editor of the *Columbia Patriot* and in 1843, together with Younger J. Williams, purchased it. In 1843 he established the *Missouri Statesman* which he owned and edited until 1885. For a short time in 1878 he assumed half ownership and chief editorial control of the *St. Joseph Chronicle.* From 1892-93 he was editor of the *Daily Constitution* in Chillicothe and from 1893-98 he was editor and publisher of the *Boonville Democrat.* Mr. Switzler was elected to the Missouri House of Representatives three times on the Whig ticket. He was a member of the 1860 national Whig convention. He was a Union sympathizer and in 1862 was appointed to go with John S. Phelps to Little Rock, Arkansas and establish a loyal state government there. He there became provisional Secretary of State. In 1863 he was made provost marshal for the Ninth congressional district of Missouri to carry out the provisions of the law for the enrollment of those liable for military service. He was removed from office because of his support of McClellan in the presidential campaign of 1864. In 1865 he was a member of the Constitutional Convention and vigorously opposed the test oaths. In 1866 and again in 1868

he was the Democratic nominee for Congress and, on the face of the returns, was elected but was counted out by the Secretary of State. He contested both elections and the Committee on Elections declared him elected but the House voted down the report of the Committee. In 1885 he was appointed by President Cleveland to the position of chief of the Bureau of Statistics of the Treasury Department, and served until the end of the administration. Mr. Switzler was for many years a trustee of the Columbia Female Academy, of Christian College and of the University of Missouri. In August, 1843, he married Miss Mary Jane Royall. He was a member of the Presbyterian church. He was the author of "Commerce on the Mississippi and Ohio Rivers," "History of Statistics and Their Value," "Illustrated History of Missouri," "Wool and the Manufactures of Wool," "History of Boone County" and "History of the University of Missouri" (unpublished). He died in Columbia, May 24, 1906.

Amos R. Taylor (Democrat) was born near Owensborough, Kentucky, January 23, 1842, and died in San Luis Obispo, California, January 7, 1920. For two or three years he attended Owensborough College and in 1860 entered the junior class at Yale. At the outbreak of the Civil War he left college and enlisted as a private in the Confederate Army. He was promoted to the rank of captain before the close of the war. He was paroled in May, 1865. He then studied law at Owensboro and was soon admitted to the bar. He was elected attorney of Daviess county, Kentucky, in 1866 but resigned in 1868. He located in St. Louis in 1868, making that city his home for the remainder of his life. In 1868 he married Miss Anna Rudd, of Louisville, Kentucky.

John H. Taylor (Democrat) was born in Leesburg, Virginia, January 26, 1837. The family came to Missouri in 1844 and located first at Paris, going later to Independence. He attended the local school at Paris and then completed the course offered in an academy at Independence, which his father had established. He studied law with the firm

of Chrisman & Comingo and was admitted to the bar in 1857. The Civil War interrupted his practice and at its close he was in the State of Louisiana. He was a Southern sympathizer. In 1871 the lead discoveries interested him in a piece of property near Joplin in which he owned a share and he at once began operations in that region. He invested all of his available means in land in the vicinity, and was largely instrumental in organizing the Joplin Mining and Smelting Company, the first corporate mining body on the ground. He organized other similar companies and in 1894 consolidated his interests into the Taylor Land and Investment Company. He assisted in organizing the Joplin Savings Bank, the first banking institution in the town. Before his removal to Joplin, Mr. Taylor had held the offices of circuit clerk of Jackson county, city attorney of Independence, and county school commissioner. While a resident of Carthage he was member of the city council. In 1873 he was selected by the United States Government to be one of the commissioners representing the mining industry at the World's Fair at Vienna. He collected the exhibit to be sent from Joplin but was prevented from attending. In 1898 he was appointed a commissioner to the Omaha Exposition. He was a delegate to various party conventions. He was a leader in the temperance movement and in the work of the Y. M. C. A. He was a member of the Presbyterian church. He was affiliated with the I. O. O. F. and B. P. O. E. The site of the Children's Home in Joplin was donated by Mr. Taylor. In April, 1874, he married Miss Lulie Smith. He died at Joplin, August 30, 1902.

Albert Todd (Democrat) was born near Cooperstown, Otesego county, New York, March 4, 1813. In 1832 he entered Amherst College, remaining there one year. He then attended Yale College, graduating with honors in 1836. He studied law in the office of Judge Arphaxed Loomis of Little Falls, New York. He came to St. Louis in 1839 and began the practice of law. In 1854 he was elected to the lower House of the Missouri Legislature. He was a candidate

for Congress on the Bell-Everett ticket but was defeated. After the adoption of the Constitution of 1875 he was a member of the board of freeholders which framed the charter of St. Louis separating it from the county. He was one of the founders of Washington University and for many years was a member of the board of trustees. He also held a professorship in the School of Law, giving his services gratuitously. He also helped organize the St. Louis Agricultural and Mechanical Association, the University Club, the Public School Library, the Mercantile Library, the Missouri Historical Society and the St. Louis Bar Association. He was a member of the Academy of Sciences. His wife was Miss Jane Wilson of Little Falls, New York. Mr. Todd died in St. Louis, April 30, 1885.

Levi J. Wagner (Democrat), a native of New York, was born in 1810. He attended Allegheny College, graduating in 1831. He came to Missouri in the early forties and began the practice of law at Memphis. He owned a large tract of land near Memphis and devoted a portion of his time to farming. He retired from the practice of law during the Civil War. During the war, his sympathies were with the Union. He was the first president of the Citizens Bank and served until his death. He represented Scotland county in the Legislature in 1856 and in the adjourned session of 1869. He also served a term as county treasurer. In 1856 he was a member of the committee to revise the Missouri statutes. He was a member of the Methodist church and of the Masonic order. He died at Memphis in 1882.

Henry C. Wallace (Democrat) was born in Woodford county, Kentucky, August 18, 1823. He was educated at Sinking Spring Academy and at Center College. Forced to leave school on account of his health, he came to Lexington, Missouri, where his parents had located in 1844. He taught in Lexington for a year or so and then studied law with F. C. Sharp. He was admitted to the bar in 1849 and after practicing for about eighteen months entered the Louis-

ville (Kentucky) Law School, graduating in 1851. He then returned to Lexington where he practiced until his death. He was justice of the peace and city attorney from 1849 to 1853. He was a Whig until that party disappeared, after which he was a Democrat. He was a Constitutional Union man during the war but having two brothers in the Confederate Army, he had a sentimental sympathy for the Southern people. On June 4, 1863, he married Miss Lizzie Sharp of Christian county, Kentucky. He was a member of the Baptist church and for a number of years was moderator of the Lafayette and Johnson Association. He was affiliated with the Masons and Knights Templar. He died in Lexington, October 24, 1901.

1]* JOURNAL

OF THE

CONSTITUTIONAL CONVENTION

OF THE

STATE OF MISSOURI

Begun and Held at the City of Jefferson on Wednesday, the 5th Day of May, A. D. 1875.

In pursuance of an act of the General Assembly of the State of Missouri, entitled "An act to authorize a vote of the people to be taken upon the question whether a convention shall be held for the purpose of revising and amending the Constitution of this State," approved March 25, 1874, the delegates to a convention elected by the people of the State of Missouri, under said act, met in convention in the Hall of the House of Representatives in the Capitol at Jefferson City on the 5th day of May in the year of our Lord eighteen hundred and seventy-five, it being the first Wednesday in said month at twelve o'clock m., and were called to order by Michael K. McGrath, Secretary of State.

Mr. Conway offered the following resolution:

Resolved, That Rev. W. M. Prottsman be requested to open this Convention with prayer.

which was read and adopted.

Prayer was then offered by the Rev. W. M. Prottsman.

On motion of Mr. Broadhead, Mr. Robert A. Campbell, of St. Louis, was elected to act as temporary secretary.

*The black face figures in semi-brackets refer to the paging in the original journal of the Convention. When preceded by the letter S, they refer to the paging in the Supplement to the Journal.

The Secretary of State laid before the Convention the following communication:

State of Missouri,
Office of Secretary of State,
City of Jefferson, May 5, 1875.

To the Honorable,
2] *The Members of the State Constitutional Convention.*
Gentlemen:

I have the honor to submit herewith all the returns in my possession of the election held on the twenty-sixth day of January, A. D. eighteen hundred and seventy-five, for delegates to the State Constitutional Convention as also a certificate giving the names of the delegates elected to said State Constitutional Convention at the said election.

I have the honor to be,
Very Respectfully,
Your Obedt. Servant,
MICHAEL K. MCGRATH,
Secretary of State.

State of Missouri,
Office of Secretary of State.

I. Michael K. McGrath, Secretary of State, of the State of Missouri, hereby certify that the following is a full, true and complete list of the names of all of the delegates elected to the State Constitutional Convention of Missouri, at an election held on the twenty-sixth day of January, A. D. eighteen hundred and seventy-five, according to the returns of said election in this office.

In Testimony Whereof, I have hereunto set my hand and affixed my seal of office. Done at office in the City of Jefferson, this fifth day of May, A. D. eighteen hundred and seventy-five.

(Seal) MICHAEL K. MCGRATH,
Secretary of State.

3] District	Names	District	Names
1st	Malcolm McKillop	9th	William F. Switzler
	Thomas J. Johnston		John F. Rucker
2nd	James C. Roberts	10th	Henry C. Lackland
	Henry Boone		L. J. Dryden
3rd	Elijah H. Norton	11th	A. V. McKee
	Dewitt C. Allen		N. C. Hardin
4th	Junius A. Holliday	12th	Levi J. Wagner
	James L. Farris		Louis F. Cottey
5th	John B. Hale	13th	Edward McCabe
	John H. Shanklin		William Priest
6th	Westley Halliburton	14th	William Chrisman
	Charles Hammond		Francis M. Black
7th	Armstead M. Alexander	15th	Waldo P. Johnson
	Hezekiah M. Porter		E. A. Nickerson
8th	John A. Rippey	16th	S. R. Crockett
	Benjamin R. Dysart		J. H. Taylor

District	Names	District	Names
17th	Henry C. Wallace	26th	L. H. Davis
	W. H. Letcher		J. H. Rider
18th	Benjamin F. Massey	27th	A. M. Lay
	John Ray		T. J. Kelly
19th	C. B. McAfee	28th	Washington Adams
	R. W. Fyan		James P. Ross
20th	George W. Bradfield	4] 29th	Geo. H. Shields
	John W. Ross		Henry T. Mudd
21st	T. W. B. Crews	30th	Lewis Gottschalk
	Charles D. Eitzen		James O. Broadhead
22d	John Hyer	31st	Albert Todd
	James H. Maxey		Joseph Pulitzer
23d	Philip Pipkin	32d	Thomas T. Gantt
	E. Virgil Conway		Amos R. Taylor
24th	John F. T. Edwards	33d	Henry J. Spaunhorst
	Pinkney Mabrey		Nicholas A. Mortell
25th	Nathaniel W. Watkins	34th	Henry C. Brockmeyer
	George W. Carlton		James C. Edwards

which was read.

Mr. Holliday offered the following resolution:

Resolved, That the Chair appoint a committee of five to receive and examine the credentials of the members of the Convention and that the committee be directed to report at ten o'clock on tomorrow morning.

which was read.

Mr. Broadhead offered the following substitute:

Resolved, That the following oath be taken by the members of this Convention. You do solemnly swear to support the Constitution of the United States, and so much of the third Section of Article XII of the Constitution of Missouri as relates to your duties as a member of this Convention, and the provisions of the act of the General Assembly of Missouri under which this Convention was called, and that you will well and faithfully without passion or prejudice discharge the duties devolving upon you as a member of this Convention.

which was read.

Mr. Roberts offered the following amendment to the substitute:

Amend by striking out all after the word resolved and insert the following:

That the following oath be administered to the members of this
5] Convention:

I do solemnly swear that I will support the Constitution of this United States and that I will faithfully discharge my duties as a member of this Convention.

which was read.

Mr. Massey moved to lay the amendment on the table, which was agreed to.

The roll of the Convention being called the following members answered to their names:

Alexander	Davis	Hardin	Maxey	Rucker	
Allen	Dryden	Holliday	Mudd	Shanklin	
Black	Dysart	Johnston	Nickerson	Shields	
Boone	Edwards	Lackland	Norton	Spaunhorst	
Bradfield	of Iron	Lay	Pipkin	Switzler	
Broadhead	Edwards	Letcher	Priest	Taylor	
Brockmeyer	of St. Louis	Mabrey	Pulitzer	of St. Louis	
Carleton	Farris	Massey	Ray	Taylor	
Chrisman	Fyan	McAfee	Rider	of Jasper	
Conway	Gantt	McCabe	Rippey	Wallace	
Cottey	Hale	McKee	Roberts	Wagner	
Crews	Halliburton	Mortell	Ross	Watkins	58
Crockett	Hammond				

ABSENT

Adams	Gottschalk	Johnson	Ross	Todd	
Eitzen	Hyer	McKillop	of Morgan		8

On motion of Mr. Brockmeyer, the Convention took a recess until 2:30 p. m.

AFTERNOON SESSION

The hour of recess having expired the Secretary of State called the Convention to order.

Mr. Shields offered the following resolution:

Resolved, That the Secretary now call the roll and that as their names are called eight members at a time present themselves before the President's desk and take the following oath:

I do solemnly swear that I will support the Constitution of the United States and so much of Section three of Article XII of the Constitution of the State as is applicable, and the provisions of the act of the 6] General Assembly calling this Convention, and that I will faithfully without passion or prejudice discharge the duties devolving upon me as a member of this Convention, so help me God.

which was read and adopted.

Whereupon the following members came forward and took oath as above prescribed, the same being administered by Hon. Geo. W. Miller, Judge of the First Judicial Circuit:

Alexander	Dryden	Johnston	Nickerson	Rucker	
Allen	Dysart	of Nodaway	Norton	Shanklin	
Black	Edwards	Johnson	Pipkin	Shields	
Boone	of Iron	of St. Clair	Priest	Spaunhorst	
Bradfield	Edwards	Lackland	Pulitzer	Switzler	
Broadhead	of St. Louis	Lay	Ray	Taylor	
Brockmeyer	Farris	Letcher	Rider	of St Louis.	
Carleton	Fyan	Mabrey	Rippey	Taylor	
Chrisman	Gantt	Massey	Roberts	of Jasper	
Conway	Hale	McAfee	Ross	Wallace	
Cottey	Halliburton	McCabe	of Morgan	Wagner	
Crews	Hammond	McKee	Ross	Watkins	59
Crockett	Hardin	Maxey	of Polk		
Davis	Holliday	Mudd			

ABSENT

Adams	Gottschalk	McKillop	Mortell	Todd	7
Eitzen	Hyer				

Mr. Pulitzer offered the following resolution:

Resolved, That the Convention now proceed to a permanent organization by the election of the following officers: one President, one Vice President, one Secretary, one Assistant Secretary. one Doorkeeper, one Sergeant-at-Arms, and the election shall be viva voce on the calling of the roll.

Mr. Conway offered the following substitute:

Resolved, That a committee of five be appointed by the Chair to report what officers are necessary to be appointed by this Convention 7] for the transaction of the business of the Convention.

which was read and not adopted.

The question recurring on the adoption of the resolution offered by Mr. Pulitzer, the resolution was adopted.

Mr. Hardin offered the following resolution:

Resolved, That a majority of all the votes cast shall elect.

which was read and adopted.

The Convention then proceeded to the election of President with the following result:

For Waldo P. Johnson	17
For N. W. Watkins	13
For E. H. Norton	12
For Jas. O. Broadhead	7
For Wm. F. Switzler	10
Absent	7

Whole number of votes cast, 59.
Necessary to a choice, 30.

No one having received a majority of all the votes cast the Convention proceeded to a second ballot with the following result:

For Waldo P. Johnson	22
For N. W. Watkins	12
For E. H. Norton	9
For Jas. O. Broadhead	8
For Wm. F. Switzler	11
Absent	4

Whole number of votes cast, 62.
Necessary to a choice, 32.

No one having received a majority of all the votes cast the Convention proceeded to a third ballot.

8] Mr. Pipkin offered the following resolution:

Resolved, That after one more ballot the candidate receiving the lowest number of votes shall be dropped and after each subsequent ballot the same rule shall be adopted until a President is elected.

which was read and adopted.

The result of the third ballot was as follows:

FOR E. H. NORTON

Alexander	Allen	Boone	Johnston of Nodaway	Roberts	5

FOR WALDO P. JOHNSON

Black	Crews	Massey	Norton	Ross of Polk	
Bradfield	Crockett	McAfee	Priest	Taylor of Jasper	
Broadhead	Farris	McCabe	Pulitzer	Wallace	22
Chrisman	Fyan	Maxey	Ross of Morgan		
Cottey	Lay	Nickerson			

FOR N. W. WATKINS

Brockmeyer	Davis	Edwards of St. Louis	Johnson of St. Clair	Rider	
Carleton	Edwards of Iron	Holliday	Mabrey	Switzler	
Conway				Taylor of St. Louis	12

FOR JAS. O. BROADHEAD

Dryden	Hardin	McKee	Mudd	Spaunhorst	
Gantt	Lackland	Mortell	Shields	Wagner	10

FOR WM. F. SWITZLER

Dysart	Hammond	Pipkin	Rippey	Shanklin	
Hale	Letcher	Ray	Rucker	Watkins	11
Halliburton					

ABSENT

Adams	Gottschalk	Hyer	McKillop	Todd	6
Eitzen					

Whole number of votes cast, 60.
Necessary to a choice, 31.

No one having received a majority of all the votes cast the Convention proceeded to the fourth ballot with the following result:

9] Messrs. C. D. Eitzen, Louis Gottschalk and Albert Todd came forward and were sworn in as members of the Constitutional Convention by the Hon. Geo. W. Miller, of Cole county.

FOR WALDO P. JOHNSON

Alexander	Cottey	Fyan	Nickerson	Ross	
Allen	Crews	Lay	Norton	of Polk	
Black	Crockett	Massey	Priest	Spaunhorst	
Bradfield	Edwards	McAfee	Pulitzer	Taylor	
Broadhead	of Iron	McCabe	Ross	of Jasper	
Chrisman	Farris	Maxey	of Morgan	Wallace	26

FOR N. W. WATKINS

Boone	Conway	Johnston	Johnson	Rider	
Brockmeyer	Davis	of Nodaway	of St. Clair	Roberts	
Carleton	Holliday		Mabrey	Switzler	12

FOR JAS. O. BROADHEAD

Dryden	Eitzen	Hardin	Mortell	Taylor	
Edwards	Gantt	Lackland	Mudd	of St. Louis	
of St. Louis	Gottschalk	McKee	Shields	Wagner	13

FOR W. F. SWITZLER

Dysart	Hammond	Ray	Rucker	Todd	
Hale	Letcher	Rippey	Shanklin	Watkins	12
Halliburton	Pipkin				

ABSENT

Adams	Hyer	McKillop	3

Whole number of votes cast, 63.
Necessary to a choice, 32.

No one having received a majority of all the votes cast the Convention proceeded to a fifth ballot with the following result:

FOR WALDO P. JOHNSON

Alexander	Chrisman	Edwards	McAfee	Ross	
Allen	Conway	of Iron	McCabe	of Morgan	
Black	Cottey	Farris	Nickerson	Ross	
Boone	Crews	Fyan	Norton	of Polk	
Broadhead	Crockett	Lay	Priest	Taylor	
Bradfield	Davis	Mabrey	Pulitzer	of Jasper	
Carleton		Massey	Roberts	Wallace	30

10] FOR JAS. O. BROADHEAD

Brockmeyer	Gantt	Johnson	Mortell	Switzler	
Dryden	Gottschalk	of St. Clair	Mudd	Taylor	
Edwards	Hardin	Lackland	Shields	of St. Louis	
of St. Louis	Johnston	McKee	Spaunhorst	Wagner	18
Eitzen	of Nodaway				

FOR W. F. SWITZLER

Dysart	Hammond	Pipkin	Rippey	Todd	
Hale	Holliday	Ray	Rucker	Watkins	14
Halliburton	Letcher	Rider	Shanklin		

ABSENT

Adams	Hyer	McKillop	Massey	4

Whole number of votes cast, 62.
Necessary to a choice, 32.

No one having received a majority of all the votes cast the Convention proceeded to the sixth ballot with the following result:

FOR WALDO P. JOHNSON

Alexander	Crews	Holliday	Pipkin	Ross	
Allen	Crockett	Lay	Priest	of Polk	
Black	Davis	Mabrey	Pulitzer	Rucker	
Boone	Dysart	Massey	Ray	Spaunhorst	
Bradfield	Edwards	McAfee	Rider	Taylor	
Broadhead	of Iron	McCabe	Rippey	of Jasper	
Carleton	Farris	Maxey	Roberts	Wallace	
Chrisman	Fyan	Nickerson	Ross	Watkins	42
Conway	Halliburton	Norton	of Morgan		
Cottey	Hammond				

FOR JAS. O. BROADHEAD

Brockmeyer	Gottschalk	Johnson	Mortell	Taylor	
Dryden	Hale	of St. Clair	Mudd	of St. Louis	
Edwards	Hardin	Lackland	Shanklin	Todd	
of St. Louis	Johnston	Letcher	Shields	Wagner	21
Eitzen	of Nodaway	McKee	Switzler		
Gantt					

ABSENT

Adams	Hyer	McKillop	3

Whole number of votes cast, 63.
Necessary to a choice, 32.

11] Mr. Johnson having received a majority of all the votes cast was declared duly elected President of the Convention.

On motion a committee of three was appointed consisting of Messrs. Pulitzer, Switzler and Broadhead to wait upon Mr. Johnson to inform him of his election and escort him to the chair.

Mr. Johnson, upon taking the chair, made the following remarks:

The unsought and unmerited compliment which the Convention had paid him stirred within him feelings of unfeigned thankfulness. He was astonished that he had been sent to the Convention at all, and much more so that so distinguished an honor should be conferred upon him by men to most of whom he was personally a stranger. He would not refer to the past, it should only be remembered as it throws light upon the future and in return for the confidence the Convention had reposed in him, he could only promise to preside over its deliberations impartially and fairly to the best of his ability.

Mr. Brockmeyer moved a suspension of the rules governing the election of officers as applied to the office of Vice-President.

The motion being adopted, Mr. Brockmeyer nominated Mr. N. W. Watkins for Vice-President who was elected by acclamation.

Nominations for the office of Secretary being in order the following gentlemen were placed in nomination: Alexander, Dodds, Nolan, Gillispie, Bell and Campbell.

The Convention then proceeded to ballot with the following result:

FOR MR. ALEXANDER

Carleton	Crews	Letcher	Wallace	4

FOR MR. DODDS

Bradfield	Mortell	Maxey	Taylor	Todd	6
Fyan			of St. Louis		

FOR MR. NOLAN

12]Alexander	Conway	Hale	McKee	Roberts	
Black	Crockett	Hardin	Nickerson	Shanklin	
Boone	Dryden	Lay	Norton	Taylor	
Chrisman	Farris	Massey	Pipkin	of Jasper	19

FOR MR. GILLISPIE

Cottey	Halliburton	McCabe	Rider	Wagner	9
Dysart	McAfee	Priest	Rippey		

FOR MR. BELL

Edwards	Hammond	Johnson	Mudd	Ross of Polk	
of Iron	Holliday	Mabrey	Ray	Watkins	9

FOR MR. CAMPBELL

Broadhead	Eitzen	Johnston	Pulitzer	Shields	
Edwards	Gantt	of Nodaway	Ross	Spaunhorst	
of St. Louis	Gottschalk	Lackland	of Morgan	Switzler	12

ABSENT

Adams	Brockmeyer	Hyer	McKillop	Rucker	7
Allen	Davis				

Whole number of votes cast, 60.

Necessary to a choice, 31.

No one having received a majority of all the votes cast, the Convention proceeded to a second ballot with the following result:

FOR MR. DODDS

Davis	Mortell	2

FOR MR. GILLISPIE

Cottey	McCabe	Rippey	Taylor	Wagner	9
Dysart	Rider	Spaunhorst	of St. Louis		
Halliburton					

FOR MR. BELL

Carleton	Hammond	Johnson	Mudd	Wallace	
Edwards	Holliday	of St. Clair	Ray	Watkins	11
of Iron		Mabrey	Ross of Polk		

FOR MR. CAMPBELL

13]Bradfield	Edwards	Gottschalk	Letcher	of Morgan	
Broadhead	of St. Louis	Johnston	Maxey	Shields	
Brockmeyer	Eitzen	of Nodaway	Pulitzer	Switzler	
Crews	Gantt	Lackland	Ross	Todd	17

FOR MR. NOLAN

Alexander	Conway	Hale	McKee	Roberts	
Allen	Crockett	Hardin	Nickerson	Rucker	
Black	Dryden	Lay	Norton	Shanklin	
Boone	Farris	Massey	Pipkin	Taylor	
Chrisman	Fyan	McAfee	Priest	of Jasper	24

ABSENT

Adams	Hyer	McKillop	3

Whole number of votes cast, 63.
Necessary to a choice, 32.

No one having received a majority of all the votes cast, the Convention proceeded to a third ballot with the following result:

FOR MR. GILLISPIE

Cottey	Halliburton	Johnson	McCabe	Wagner	7
Dysart		of St. Clair	Rippey		

FOR MR. BELL

Carleton	Holliday	Ray	Wallace	Watkins	6
Hammond					

FOR MR. CAMPBELL

Bradfield	Eitzen	Lackland	Ross	Switzler	
Broadhead	Gantt	Letcher	of Morgan	Taylor	
Brockmeyer	Gottschalk	Maxey	Ross of Polk	of St. Louis	
Crews	Johnston	Mudd	Shields	Todd	21
Edwards	of Nodaway	Pulitzer	Spaunhorst		
of St. Louis					

FOR MR. NOLAN

Alexander	Davis	Hale	McKee	Rider	
Allen	Dryden	Hardin	Mortell	Roberts	
Black	Edwards	Lay	Nickerson	Rucker	
Boone	of Iron	Mabrey	Norton	Shanklin	
Chrisman	Farris	Massey	Pipkin	Taylor	
Conway	Fyan	McAfee	Priest	of Jasper	29
Crockett					

ABSENT

Adams	Hyer	McKillop	3

Whole number of votes cast, 63.
Necessary to a choice, 32.

No one having received a majority of all the votes cast, 14] the Convention proceeded to a fourth ballot with the following result:

FOR MR. CAMPBELL

Bradfield	Eitzen	Lackland	Ross	Switzler	
Broadhead	Gantt	Letcher	of Morgan	Taylor	
Brockmeyer	Gottschalk	Maxey	Ross of Polk	of St. Louis	
Crews	Johnston	Mudd	Shields	Todd	21
Edwards	of Nodaway	Pulitzer	Spaunhorst		
of St. Louis					

FOR MR. BELL

Carleton	Holliday	Ray	Wallace	Watkins	6
Hammond					

FOR MR. GILLISPIE

Cottey	Johnson	McCabe	Rippey	Wagner	7
Dysart	of St. Clair				
Halliburton					

FOR MR. NOLAN

Alexander	Davis	Hale	McKee	Rider	
Allen	Dryden	Hardin	McKillop	Roberts	
Black	Edwards	Lay	Nickerson	Rucker	
Boone	of Iron	Mabrey	Norton	Shanklin	
Chrisman	Farris	Massey	Pipkin	Taylor	
Conway	Fyan	McAfee	Priest	of Jasper	29
Crockett					

ABSENT

Adams	Hyer	Mortell	3

Whole number of votes cast, 63.
Necessary to a choice, 32.

No one having received a majority of all the votes cast, the Convention proceeded to a fifth ballot with the following result:

FOR MR. CAMPBELL

Bradfield	Eitzen	Letcher	Ross	Taylor	
Broadhead	Gantt	Mudd	of Polk	of St. Lous	
Brockmeyer	Gottschalk	Pulitzer	Shields	Todd	
Carleton	Halliburton	Ray	Spaunhorst	Wagner	
Crews	Hammond	Ross	Switzler	Watkins	26
Edwards	Johnston	of Morgan			
of St. Louis	Lackland				

15] FOR MR. NOLAN

Alexander	Davis	Hardin	McKee	Rippey	
Allen	Dryden	Holliday	Mortell	Roberts	
Black	Dysart	Johnson	Maxey	Rucker	
Boone	Edwards	Lay	Nickerson	Shanklin	
Chrisman	of Iron	Mabrey	Norton	Taylor	
Conway	Farris	Massey	Pipkin	of Jasper	
Cottey	Fyan	McAfee	Priest	Wallace	37
Crockett	Hale	McCabe	Rider		

ABSENT

Adams	Hyer	McKillop	3

Whole number of votes cast, 63.

Necessary to a choice, 32.

Mr. Campbell received..... 26

Mr. Nolan received..... 37

Mr. Nolan having received a majority of all the votes cast, was declared elected Secretary of the Convention.

The Convention then proceeded to ballot for assistant secretary with the following result:

FOR MR. MALONE

Carleton	Dysart	Norton	Rider	Spaunhorst	
Davis	Mabrey	Pulitzer	Rippey	Watkins	10

FOR MR. ADAMS

Allen	Edwards	Gottschalk	Lay	Shields	
Broadhead	of St. Louis	Hale	Letcher	Todd	
Brockmeyer	Eitzen	Holliday	Priest	Wallace	17
Chrisman		Lackland	Ross of Morgan		

FOR MR. FOREMAN

Rucker	1

FOR MR. GRAY

Alexander	Johnson	McAfee	Ross	Taylor	
Crockett	of St. Clair	McCabe	of Polk	of Jasper	
Fyan	Massey	Ray		Wagner	11

FOR MR. ISABELL

Boone	Farris	Johnston	Shanklin	Taylor	
Bradfield	Halliburton	of Nodaway	Switzler	of St. Lous	10
Dryden	Hammond				

16] FOR MR. GALBRAITH

Black	Crews	Gantt	Mortell	Pipkin	
Conway	Edwards	Hardin	Mudd	Roberts	13
Cottey	of Iron	McKee	Nickerson		

ABSENT

Adams	Hyer	McKillop	Maxey	4

Whole number of votes cast, 62.

Necessary to a choice, 32.

No one having received a majority of all the votes cast, the Convention proceeded to a second ballot with the following result:

FOR MR. ISABELL

Dryden	Halliburton	Johnston	Switzler	Taylor	
Farris	Hammond	of Nodaway		of St. Louis	7

FOR MR. GALBRAITH

Black	Crews	Gantt	Mudd	Pulitzer	
Boone	Edwards	McKee	Nickerson	Rucker	
Conway	of Iron	Mortell	Pipkin	Spaunhorst	15
Cottey					

FOR MR. GRAY

Alexander	Johnson	McCabe	Ross	Taylor	
Crockett	of St. Clair	Ray	of Polk	of Jasper	
Fyan	McAfee			Wagner	10

FOR MR. MALONE

Bradfield	Davis	Mabrey	Norton	Rippey	
Carleton	Dysart	Massey	Rider	Watkins	10

FOR MR. ADAMS

Allen	Edwards	Holliday	Priest	Shanklin	
Broadhead	of St. Louis	Lackland	Roberts	Shields	
Brockmeyer	Eitzen	Lay	Ross	Todd	
Chrisman	Gottschalk	Letcher	of Morgan	Wallace	20
	Hale	Maxey			

ABSENT

Adams	Hyer	McKillop	3

Whole number of votes cast, 63.

Necessary to a choice, 32.

17] No one having received a majority of all the votes cast, the Convention then proceeded to a third ballot with the following result:

FOR MR. ADAMS

Alexander	Edwards	Johnston	Priest	Spaunhorst	
Allen	of St. Louis	of Nodaway	Ross	Taylor	
Bradfield	Eitzen	Lackland	of Morgan	of St. Louis	
Broadhead	Gottschalk	Lay	Shanklin	Todd	
Brockmeyer	Hale	Letcher	Shields	Wallace	23
Chrisman	Holliday				

FOR MR. MALONE

Carleton	Halliburton	Massey	Rider	Switzler	
Davis	Hammond	Norton	Rippey	Watkins	11
Dysart					

FOR MR. GALBRAITH

Black	Crews	Hardin	Mortell	Pipkin	
Boone	Edwards	Mabrey	Mudd	Roberts	
Conway	of Iron	McKee	Nickerson	Rucker	16
Cottey	Gantt				

FOR MR. GRAY

Crockett	Johnson	McAfee	Ross	Taylor	
Fyan	of St. Clair	McCabe	of Polk	of Jasper	
				Wagner	8

ABSENT.

Adams	Farris	McKillop	Pulitzer	Ray	
Dryden	Hyer	Maxey			8

Whole number of votes cast, 58.

Necessary to a choice, 30.

No one having received a majority of all the votes cast, the Convention proceeded to a fourth ballot with the following result:

FOR MR. GALBRAITH

Black	Crews	Edwards	Massey	Nickerson	
Conway	Crockett	of Iron	McKee	Pipkin	
Cottey	Dryden	Farris	Mortell	Rucker	16
		Mabrey	Mudd		

FOR MR. ADAMS

18]Alexander	Eitzen	Johnson	Pulitzer	Taylor	
Allen	Gantt	of St. Clair	Ray	of St. Louis	
Boone	Gottschalk	Lackland	Roberts	Taylor	
Bradfield	Hale	Lay	Ross	of Jasper	
Broadhead	Hardin	Letcher	of Morgan	Todd	
Brockmeyer	Holliday	McCabe	Shanklin	Wallace	
Chrisman	Johnston	Norton	Shields	Wagner	34
Edwards	of Nodaway	Priest	Spaunhorst		
of St. Louis					

FOR MR. MALONE

Carleton	Fyan	McAfee	Ross	Switzler	
Davis	Halliburton	Rider	of Polk	Watkins	12
Dysart	Hammond	Rippey			

ABSENT

Adams	Hyer	McKillop	Maxey	4

Whole number of votes cast, 62.

Necessary to a choice, 32.

Mr. Adams having received a majority of all the votes cast was declared duly elected assistant secretary of the Convention.

The Convention then proceeded to ballot for sergeant-at-arms with the following result:

FOR MR. SCHRADER

Allen	Norton	Roberts	3

FOR MR. JESSIE

Boone	Edwards	Johnston	Mudd	Shields	
Bradfield	of St. Louis	of Nodaway	Pipkin	Switzler	
Conway	Hale	Lay	Rucker	Todd	14
		Letcher			

FOR MR. BOOTHE

Black	Chrisman	Mabrey	Shanklin	4

FOR MR. BEN. E. GUTHRIE

Alexander	Farris	Holliday	Priest	Rippey	
Cottey	Halliburton	McCabe	Rider	Wagner	13
Dysart	Hammond	Nickerson			

19] FOR MR. FARRIS

Crockett	Johnson	Massey	Ross	Taylor	
Fyan	of St. Clair	McAfee	of Polk	Wallace	9
		Ray			

FOR MR. CARR

Broadhead	Eitzen	Hardin	Mortell	Taylor	
Crews	Gantt	Lackland	Pulitzer	of St. Louis	
Dryden	Gottschalk	McKee	Spaunhorst	Todd	14

FOR MR. JOHN GUTHRIE

Brockmeyer	Carleton	Davis	Edwards of Iron	4

ABSENT

Adams	Hyer	McKillop	Massey	Ross of Morgan	5

No one having received a majority of all the votes cast, the Convention proceeded to the second ballot with the following vote:

FOR MR. JOHN GUTHRIE

Brockmeyer	1

FOR MR. JESSIE

Bradfield	Edwards	Johnston	Ross	Shanklin	
Conway	of St. Louis	of Nodaway	of Morgan	Shields	
	Hale	Mudd	Rucker	Switzler	11

FOR MR. BEN. E. GUTHRIE

Alexander	Farris	Letcher	Pipkin	Roberts	
Carleton	Halliburton	McCabe	Priest	Wallace	
Cottey	Hammond	Nickerson	Rider	Wagner	
Davis	Holliday	Norton	Rippy	Watkins	21
Dysart					

FOR MR. FARRIS

Boone	Johnson	McAfee	Ross	Taylor	
Crockett	of St. Clair	Ray	of Polk		9
Fyan	Massey				

FOR MR. CARR

Allen	Dryden	Gottschalk	Mabrey	Spaunhorst	
Black	Edwards	Hardin	McKee	Taylor	
Broadhead	of Iron	Lackland	Mortell	of St. Louis	
Chrisman	Eitzen	Lay	Pulitzer	Todd	19
Crews					

ABSENT

Adams	Gantt	Hyer	McKillop	Maxey	5

20] No one having received a majority of all the votes cast, the Convention proceeded to a third ballot with the following result:

FOR MR. JESSIE

Boone	Gantt	Johnston	Rucker	Switzler	
Conway	Hale	of Nodaway	Shields	Wallace	9

FOR MR. BEN. E. GUTHRIE

Alexander	Farris	McCabe	Priest	Ross	
Carleton	Halliburton	Nickerson	Rider	of Morgan	
Cottey	Hammond	Norton	Rippey	Wagner	
Davis	Johnson	Pipkin	Roberts	Watkins	20
Dysart	of St. Clair				

FOR MR. CARR

Allen	Dryden	Hardin	McKee	Spaunhorst	
Black	Edwards	Holliday	Mortell	Taylor	
Bradfield	of Iron	Lackland	Pulitzer	of St. Louis	
Broadhead	Edwards	Lay	Ray	of Jasper	
Brockmeyer	of St. Louis	Letcher	Ross	Taylor	
Chrisman	Eitzen	Mabrey	of Polk	Todd	32
Crews	Fyan	Massey	Shanklin		
Crockett	Gottschalk	McAfee			

ABSENT

Adams	Hyer	McKillop	Maxey	Mudd	5

Mr. Carr having received a majority of all the votes cast, was declared duly elected sergeant-at-arms of the Convention.

Nominations for doorkeeper being in order the following gentlemen were placed in nomination: C. P. Anderson, A. C. Hill, J. C. Meador, J. H. Green, J. D. Crafton, R. C. Blackwell, H. E. Moore.

The Convention then proceeded to ballot with the following result:

FOR C. P. ANDERSON

Eitzen	Hardin	Mabrey	Ross	Rucker	
Fyan	Lay	Pulitzer	of Morgan	Spaunhorst	9

21] FOR A. C. HILL

Halliburton	Holliday	Johnson of Nodaway	3

FOR J. C. MEADOR

None.

FOR J. H. GREEN

Carleton	Davis	McKee	Rider	Watkins	10
Conway	Dryden	Mudd	Ross of Polk		
		Nickerson			

FOR J. D. CRAFTON

Brockmeyer	Norton	Roberts	Shields	4

FOR R. C. BLACKWELL

Alexander	Crews	Gottschalk	Letcher	Pipkin	
Allen	Dysart	Hale	McAfee	Shanklin	
Bradfield	Gantt	Hammond	McCabe	Switzler	16
Cottey					

FOR H. E. MOORE

Black	Edwards of Iron	Johnson of St. Clair	Ray	Taylor of Jasper	
Boone			Rippey		
Chrisman	Edwards of St. Louis	Lackland	Taylor of St. Louis	Todd	
Crockett		Massey		Wallace	
				Wagner	16

ABSENT

Adams	Farris	McKillop	Maxey	Priest	8
Broadhead	Hyer	Mortell			

No one having received a majority of all the votes cast, the Convention then proceeded to a second ballot with the following result:

FOR C. P. ANDERSON

Fyan	Lay	Mabrey	Ross of Morgan	Spaunhorst	5

FOR J. H. GREEN

Broadhead	Crews	Eitzen	Nickerson	Ross of Polk	
Carleton	Davis	McKee	Rider		
Conway	Dryden	Mudd		Watkins	13

FOR R. C. BLACKWELL

Alexander	Farris	Halliburton	McAfee	Rucker	
Allen	Gantt	Hammond	McCabe	Shanklin	
Bradfield	Gottschalk	Holliday	Pipkin	Switzler	
Cottey	Hale	Letcher	Priest	Wallace	21
Dysart					

22] FOR H. E. MOORE

Black	Edwards	Johnston	Norton	Taylor	
Boone	of Iron	of Nodaway	Pulitzer	of St. Lous	
Brockmeyer	Edwards	Johnson	Ray	Taylor	
Chrisman	of St. Louis	of St. Clair	Rippey	of Jasper	
Crockett	Hardin	Lackland	Roberts	Todd	
		Massey	Shields	Wagner	22

ABSENT

Adams	Hyer	McKillop	Mortell	Maxey	5

No one having received a majority of all the votes cast, the Convention proceeded ty a third ballot with the following result:

FOR R. C. BLACKWELL

Alexander	Davis	Hale	McCabe	Shanklin	
Allen	Dysart	Halliburton	Mudd	Shields	
Bradfield	Farris	Hammond	Pipkin	Switzler	
Conway	Fyan	Holliday	Rider	Wallace	28
Cottey	Gantt	Letcher	Ross		
Crews	Gottschalk	McAfee	of Polk		

FOR H. E. MOORE

Black	Edwards	Johnson	Norton	Spaunhorst	
Boone	of Iron	of St. Clair	Priest	Taylor	
Broadhead	Edwards	Lackland	Pulitzer	of Jasper	
Brockmeyer	of St. Louis	Lay	Ray	Taylor	
Carleton	Eitzen	Mabrey	Rippey	of St. Louis	
Chrisman	Hardin	Massey	Roberts	Todd	
Crockett	Johnston	McKee	Ross	Wagner	32
Dryden	of Nodaway	Nickerson	of Morgan		

ABSENT

Adams	Hyer	McKillop	Mortell	Maxey	5

Mr. Moore having received a majority of all the votes cast, was declared duly elected doorkeeper of the Convention:

Mr. Brockmeyer offered the following resolution:

Resolved, That a committee of five be appointed by the President to prepare and report rules for the government of this Convention and that until the committee report, the rules of the last Convention govern this Convention with the exception of the appointment of committees.

which was read.

Mr. Conway moved to amend as follows:

Resolved, That the Chair appoint a committee of three to report rules for the guidance and government of this Convention in its proceedings and that said committee report tomorrow morning at 10 o'clock.

which was read.

23] Mr. Shields offered the following substitute:

Resolved, That a committee of five be appointed by the President to report what officers and assistants other than the officers named in Section five of the act calling this Convention are necessary for the proper transaction of business and to report rules and regulations for the government of the deliberations of this Convention.

which was read and not adopted.

Mr. Halliburton moved to lay the amendment on the table, which was not agreed to.

The amendment was rejected and the resolution adopted.

Mr. Rider offered the following resolution:

Resolved, That a committee of five be appointed to consider and report to the Convention what other officers are necessary to transact the business of the Convention and what compensation it is proper for them to receive.

which was read and adopted.

Messrs. Nolan and Adams were sworn into office by Mr. Burch, notary public for Cole county.

On motion the Convention adjourned until tomorrow morning, 9 o'clock.

THURSDAY, MAY 6, 1875

MORNING SESSION

The Convention met pursuant to adjournment, the President Hon. Waldo P. Johnson in the chair.

Prayer by the Rev. Mr. Barrett.

On motion of Mr. Brockmeyer the reading of the journal of yesterday was dispensed with.

Messrs. Hyer and Adams came forward and were sworn in as members of the Convention by Mr. Burch, notary public for Cole county.

Mr. Norton offered the following resolution:

Resolved, 1st, That a committee of nine be appointed which shall be the "Committee on the Executive and Ministerial Departments," which shall report what changes or amendments they deem necessary in the provisions of the Constitution of the State, relating to the executive and ministerial officers whose duties have reference to the State Government at large.

24] 2nd, That a committee of eleven be appointed to be styled the "Committee on the Legislative Department," which shall report what changes or amendments they deem necessary in that part of the Constitution of the State which relates to the Legislative Department.

3rd. That a committee of eleven be appointed to be called the "Committee on the Judiciary," which shall report what changes or amendments are necessary in that part of the Constitution which relates to the judiciary and judicial proceedings.

4th. That a committee of seven be appointed to be called the "Committee on Preamble and Bill of Rights," which shall report what changes are necessary in that part of the Constitution included in the preamble and bill of rights.

5th. That a committee of seven be appointed to be called the "Committee of Electors and Elections," which shall report what changes or amendments are necessary in that part of the Constitution which has reference to electors and elections.

6th. That a committee of seven be appointed to be called the "Committee on Military Affairs," which shall report what changes or amendments are necessary in that part of the Constitution which has reference to the organization of the militia.

7th. That a committee of seven be appointed to be called the "Committee on Banks and Corporations," which shall report what

changes or amendments are necessary in that part of the Constitution which relates to banks and corporations.

8th. That a committee of seven be appointed to be called the "Committee on Miscellaneous Affairs," which shall report what changes or amendments are necessary in that part of the Constitution relating to miscellaneous matters.

9th. That a committee of seven be appointed to be called the "Committee on the Mode of Amending the Constitution," which shall report what changes or amendments are necessary in that part of the Constitution relating to amending the Constitution.

25] 10th. That a committee of seven be appointed to be the "Committee on Education," which shall report what changes or amendments are necessary in that part of the Constitution relating to education.

which was read and on motion referred to the Committee on Rules.

Mr. Spaunhorst offered the following resolution:

Resolved, That Oscar Monning furnish each member and officer with two daily papers at a cost not to exceed five cents per copy, each member making his own choice.

which was read.

Mr. Conway offered the following amendment:

Amend by striking out all after the word "Resolved" and insert the following: "That John Dilahay be and is hereby appointed news agent whose duty it shall be to furnish each member and officer during this session with three daily papers or two dailies and one weekly, at a cost not to exceed five cents per copy, each member to make his own selection."

which was read.

Mr. Gantt offered the following amendment to Mr. Conway's amendment:

Amend by adding the following: Resolved, That no part of the cost of these papers shall be paid from the public treasury nor shall any member be compelled to pay for any paper not ordered by him.

which was read.

Mr. Taylor of Jasper moved to lay the amendment on the table.

The ayes and noes being demanded the motion to table was agreed to by the following vote:

26] AYES

Adams	Dysart	Johnston	Maxey	Ross	
Alexander	Edwards	of Nodaway	Nickerson	of Polk	
Allen	of St. Louis	Johnson	Pipkin	Rucker	
Bradfield	Eitzen	of St. Clair	Priest	Shanklin	
Broadhead	Gantt	Lackland	Pulitzer	Switzler	
Carleton	Gottschalk	Letcher	Ray	Taylor	
Chrisman	Hale	Mabrey	Rider	of St. Louis	
Cottey	Halliburton	Massey	Rippey	Taylor	
Crews	Hammond	McAfee	Roberts	of Jasper	
Crockett	Hardin	McCabe	Ross	Todd	
Davis	Holliday	McKee	of Morgan	Wallace	
Dryden	Hyer	Mortell		Watkins	52

NOES

Conway	Edwards	Lay	Shields	Spaunhorst	6
	of Iron	Mudd			

ABSENT

Black	Brockmeyer	Fyan	Norton	Wagner	8
Boone	Farris	McKillop			

The President announced in compliance with the resolution adopted yesterday, the following committees:

Committee on Rules.—Brockmeyer, Edwards of St. Louis, Fyan, Wagner and Norton.

Committee on Officers of the Convention.—Rider, Massey, Ross of Morgan, Watkins and Priest.

Mr. Gottschalk offered the following resolution:

Whereas, It has been currently reported and publicly asserted that the question of calling a Constitutional Convention was at the election held for that purpose decided in the negative by the people and that such will appear to be the fact by an inspection of amended and supplemental returns stated to be in the Secretary of State's office. Now, therefore, be it Resolved, That the Secretary of State be herewith directed to report to this Convention whether or not any amended or supplemental returns or any information of any official character from any county in reference to the vote given for or against the calling of a Constitutional Convention, have been received at his office and if so to state the nature of such information and returns.

which was read.

27] Mr. Pulitzer moved to lay the resolution on the table.

The ayes and noes being demanded, the motion to table was agreed to by the following vote:

AYES

Adams	Davis	Hyer	Pulitzer	Taylor
Alexander	Dryden	Lackland	Rider	of St. Louis
Allen	Edwards	Lay	Roberts	Taylor
Bradfield	of Iron	Massey	Ross	of Jasper
Carleton	Farris	McCabe	of Morgan	Todd
Chrisman	Gantt	McKee	Ross	Wallace
Conway	Hale	Mortell	of Polk	Watkins
Cottey	Halliburton	Nickerson	Rucker	Mr. President
Crews	Hardin	Pipkin	Shanklin	43
Crockett	Holliday	Priest	Switzler	

NOES

Broadhead	Hammond	Letcher	Maxey	Shields	
Dysart	Johnston	Mabrey	Ray	Spaunhorst	14
Eitzen	of Nodaway	McAfee	Rippey		
Gottschalk					

ABSENT

Black	Edwards	Fyan	Mudd	Wagner	9
Boone	of St. Louis	McKillop	Norton		
Brockmeyer					

Mr. Conway offered the following resolution:

Resolved, That a Chaplain be elected to serve this Convention throughout its sittings.

which was read.

Mr. Priest offered the following amendment:

Amend as follows: That the expenses incurred by the services of any Chaplain elected by the Convention shall be paid by the members thereof.

which was read.

Mr. Mudd moved to refer the resolution and amendment to the Committee on Officers.

Mr. Taylor moved to lay the amendment on the table, which was agreed to.

Mr. Taylor of Jasper offered the following resolution:

28] Resolved, That the daily sessions of this Convention be opened with prayer and that the President invite a clergyman to officiate until a Chaplain shall be elected.

which was read.

Mr. Holliday offered the following amendment:

Amend by striking out all after the word "Resolved," and insert the following: "That the President of the Convention be requested to invite the resident ministers of the Gospel belonging to the different religious denominations in Jefferson City to officiate in rotation as Chaplain of this Convention."

which was read.

Mr. Wallace offered the following amendment to the amendment:

Amend the amendment by striking out all after the word "the" in the first line and insert the following: "Ministers of the Gospel resident in the city of Jefferson and pastors of churches be and are hereby respectfully requested to open the morning session of this Convention daily with prayer, in such order as may be arranged by themselves and that they report their response to this request to the Convention through the Secretary thereof at their earliest convenience."

which was read.

Mr. Conway rose to a point of order and stated that according to the rules when a member is addressing the President no member or person should pass between the member speaking and the President or hold private intercourse.

The President declared the point of order well taken.

On motion of Mr. Pulitzer the Convention adjourned until 2 o'clock p. m.

AFTERNOON SESSION

The Convention met pursuant to adjournment, the
29] President in the chair.

The Convention resumed the consideration of the resolution offered by Mr. Taylor of Jasper.

The question recurring on agreeing to the amendment offered by Mr. Wallace to the amendment of Mr. Holliday; the ayes and noes being demanded the amendment to the amendment was agreed to by the following vote:

AYES

Adams	Edwards	Hammond	Nickerson	Shanklin
Alexander	of St. Louis	Holliday	Norton	Shields
Allen	Fyan	Lackland	Pulitzer	Spaunhorst
Black	Gantt	Lay	Ross	Switzler
Chrisman	Hale	Mortell	of Polk	Todd
Cottey	Halliburton	Mudd	Rucker	Wallace 29
Davis				

NOES

Boone	Dryden	Johnston	McCabe	Taylor
Bradfield	Dysart	of Nodaway	Ray	of Jasper
Broadhead				
Brockmeyer	Eitzen	Letcher	Rippey	Wagner
Carleton	Farris	Mabrey	Roberts	Mr. President
Conway	Gottschalk	Massey	Taylor	
Crews	Hardin	McAfee	of St. Louis	28
Crockett	Hyer			

ABSENT

Edwards	McKee	Mortell	Priest	Ross
of Iron	McKillop	Pipkin	Rider	of Morgan
				Watkins 9

The question recurring on agreeing to the amendment offered by Mr. Holliday, Mr. Gantt offered the following amendment to the amendment:

Amend by adding the following: *Provided*, that no claim be thereby created on the part of any minister so acting to be paid out of the contingent fund of this Convention or out of the public treasury.

which was read.

Mr. Taylor of St. Louis moved to lay the whole subject on the table.

The ayes and noes being demanded, the motion to table was not agreed to by the following vote:

AYES

Bradfield	Gantt	Johnston	Maxey	Spaunhorst
Carleton	Gottschalk	of Nodaway	Pipkin	Taylor
Eitzen	Halliburton	McAfee	Ray	of St. Louis15
Farris	Hyer			

30] NOES

Adams	Black	Brockmeyer	Cottey	Davis
Alexander	Boone	Chrisman	Crews	Dryden
Allen	Broadhead	Conway	Crockett	Dysart

Edwards of Iron	Hardin	Mudd	Ross of Polk	Taylor of Jasper
Edwards of St. Louis	Holliday	Nickerson	Rucker	Todd
Fyan	Lackland	Norton	Shanklin	Wallace
Hale	Lay	Pulitzer	Shields	Wagner
Hammond	Letcher	Rippey	Switzler	Mr. President 43
	Mabrey	Roberts		
	McKee			

ABSENT

McCabe	Massey	Priest	Ross of Morgan	Watkins	8
Mortell	McKillop	Rider			

Mr. McAfee moved to postpone the further consideration of the subject to allow the Committee on Rules to Report, which was agreed to.

Mr. Brockmeyer from the Committee on Rules submitted the following report:

Mr. President:

Your Committee on Rules to which was referred the resolution in relation to the appointment of standing committees, begs leave to report that it has considered the same and recommends that the accompanying substitute be adopted.

which was read.

The following substitute was recommended by the Committee on Rules for the resolution relating to the standing committees of the Convention:

Resolved, That the following committees be appointed by the President of this Convention whose duty it shall be to take into consideration and report what changes or amendments are necessary in those parts of the Constitution which relate to the respective department and subjects indicated by the title of these committees and such matters as may be referred to them by the Convention:

1st. A committee of nine on the Executive and Ministerial Department of the State Government.

31] 2nd. A committee of seven on the Executive and Ministerial offices of County and Municipal Governments.

3rd. A committee of thirteen on the Legislative Department.

4th. A committee of eleven on the Judicial Department.

5th. A committee of seven on the subjects of Election and Electors.

6th. A committee of seven on the Boundaries and Political Subdivisions of the State.

7th. A committee of seven on the subject of Revenue and Taxation.

8th. A committee of thirteen consisting of one member from each Congressional district on Representation and Representative and Senatorial Districts.

9th. A committee of seven on the Military Affairs and the Organization of the Militia of the State.

10th. A committee of seven on Banks and Corporations.

11th. A committee of seven on the subject of Education.

12th. A committee of seven on the subject of Future Mode and Manner of Amending the Constitution.

13th. A committee of seven on the Preamble to the Constitution and the Bill of Rights.

And be it further resolved that a committee of five be appointed to be known as the "Committee on Accounts," whose duty it shall be to examine and audit the accounts of the members, officers and employes of this Convention, together with such incidental liabilities as may be incurred by order of this Convention, to keep in a book a correct statement thereof, and shall take the necessary steps to prevent the allowance of all improper and unjust claims.

which was read.

Mr. Shanklin offered the following amendment to the substitute:

Amend by striking out the figure "11" in designating the number of the Committee on the Judicial Department be stricken out and "13" in lieu thereof.

which was read and agreed to.

Mr. Gantt offered the following amendment to the substitute:

32] Amend by striking out the title of the Committee on Military Affairs and the organization of the Militia of the State, and to insert in lieu thereof "a Committee on the Appointment of the Officers of the Militia of the State and the Training of the Militia According to the Discipline prescribed by Congress."

which was read and not agreed to.

The substitute recommended by the Committee as amended was agreed to.

The question recurring on agreeing to the resolution as amended, Mr. Hale offered the following substitute:

Amend by striking out all after the word "Resolved" and insert the following: "That as soon as this Convention is permanently organized by the election or appointment of such officers as may be authorized, it proceed at once in Committee of the Whole to revise and amend the present Constitution of this State by considering, amending or adopting each section, commencing with the Preamble or Bill of Rights or by adding new sections as may be determined, and that when any

general revision of said Constitution shall have been acted on and agreed to in committee that it be reported to the Convention for its action."

which was read and not agreed to.

The resolution as amended was adopted.

Mr. Spaunhorst offered the following resolution:

Resolved, That the reverend clergymen of this city are welcome to this Hall of the Convention to open the morning sessions with prayer, and that the secretary of this Convention give notice through the morning papers of the adoption of this resolution.

33] which was read and referred to Committee on Officers.

Mr. Broadhead laid the following communication before the Convention:

Gentlemen of the Convention:

We propose to make a verbatim report of the proceedings of the Convention on the following terms: For taking the shorthand notes of the proceedings, ten dollars per day. For transcribing the shorthand notes and preparing the same for publication, twenty cents per one hundred words, or thirty cents per legalcap page, a full report of each day's proceedings will average about two hundred legalcap pages. Estimating the session at fifty days, this would make ten thousand legalcap pages so that the cost of the transcript would not be far from $3,000. Should it be deemed advisable we can defer writing out the shorthand notes except such portions as may be important for immediate publication in the newspapers, until the Constitution shall have been submitted to a vote of the people. In case of its adoption we can then transcribe the notes in full for publication in book form, should such action be considered desirable: the expense of reporting would be but ten dollars per day provided the notes were not written out for publication.

Respectfully,

Walbridge, Holland & Brown,

Shorthand Reporters.

which was read and on motion referred to a special committee of five to be appointed by the President.

Mr. Mudd offered the following resolution:

Whereas, By act of the General Assembly approved March 29, 1875, the Fund Commissioners by and with the advice and consent of the Governor, and for the purpose of meeting the indebtedness of the State maturing during the years 1875, 1876 and 1877 are authorized to sell bonds of the State not exceeding in the aggregate the sum of five million dollars.

Therefore, Be it resolved by the people of the State of Missouri in Convention assembled that the tax known as the State interest tax as provided by ordinance of the State Convention adopted April 8, 1865,

34] or some similar tax equal to that purpose shall be levied and collected and shall be applied to the payment of the bonded debt of the State including that authorized by said act of the General Assembly until the bonded debt of the State, principal and interest, shall be fully provided for.

which was read and motion referred to the Committee on Revenue and Taxation.

On motion of Mr. Halliburton the Convention adjourned until tomorrow, 9 o'clock a. m.

FRIDAY, MAY 7, 1875

MORNING SESSION

The Convention met pursuant to adjournment, the President in the chair.

Prayer by the Rev. Mr. Wood.

The Journal of Wednesday, May 5th, was read and approved.

The journal of yesterday was read and approved.

Mr. Brockmeyer offered the following resolution:

A resolution to invite his Excellency, the Governor, to a seat upon the floor

Be it resolved by the Convention:

1. That his Excellency, the Governor of the State of Missouri, be and he is hereby most respectfully invited to a seat upon the floor during the session of this Convention.

2. That the Secretary is hereby instructed to transmit a copy of this resolution to his Excellency, Charles H. Hardin, Governor of the State of Missouri.

which was read and adopted.

Mr. Rider from the special committee appointed to consider what other officers are necessary to transact the busi-
35] ness of the Convention and what compensation it is proper for them to receive, submitted the following report:

Mr. President:

Your Committee appointed to report to the Convention what other officers are necessary for the transaction of the business of the Convention and the salaries they shall receive beg leave to report the following: That in our opinion no further officers for the Convention are necessary

except one second assistant secretary who shall receive for his services five dollars per day, and two pages who shall receive two dollars and fifty cents each per day, who shall be appointed by the President of this Convention.

All of which is respectfully submitted,

J. H. Rider, *Chairman.*

Mr. Dryden offered the following amendment:

Amend by striking out all after the word "Resolved" and insert in lieu thereof the following: "That the Secretary of the Convention be authorized to appoint the following assistants to aid him in the transaction of the business of this Convention in a proper and expeditious manner: One minute clerk, two journal clerks, two copy and resolution clerks, one postmaster, four pages, one of whom shall act as messenger. No clerk or employe shall be placed on duty until the business of the Convention demands his actual labor and he shall receive pay only for the time actually employed."

which was read.

Mr. Halliburton moved to reject the amendment offered by Mr. Dryden.

Mr. McCabe moved to lay the amendment offered by Mr. Dryden on the table, which was not agreed to.

Mr. Pulitzer offered the following amendment:

38]* Amend by inserting after the word "appoint," the words "subject to the consent and approval of the President,"

which was read.

Mr. Switzler offered the following amendment to the amendment:

Amend by inserting after the word "labor" the following: "which question shall be decided by the President,"

which was read and agreed to.

Mr. Todd offered the following amendment to the amendment:

Amend by adding to the amendment "and that the compensation for the services of the respective officers and assistants appointed or engaged by this Convention shall not be increased or added to in the name of extra work or for any other cause, beyond what is provided for at the time of their respective appointments or engagements,"

which was read and agreed to.

The amendment as amended was agreed to.

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*Pages 36 and 37 of the Journal are blank.

Mr. Mudd offered the following amendment to the amendment:

Amend by inserting after the word "postmaster" the words "one folder."

which was read and not agreed to.

Mr. Edwards of St. Louis offered the following amendment to the amendment:

Amend by striking out the word "Secretary" and inserting the word "President shall appoint."

which was read and agreed to.

Mr. Spaunhorst offered the following amendment to the amendment:

Amend by striking out all of the amendment after the word "Resolved."

39] The ayes and noes being demanded, the amendment was agreed to by the following vote:

AYES

Alexander	Edwards	Holliday	McKee	Ross
Black	of St. Louis	Hyer	Maxey	of Morgan
Bradfield	Eitzen	Johnston	Nickerson	Shanklin
Broadhead	Farris	of Nodaway	Norton	Spaunhorst
Carleton	Fyan	Lackland	Pipkin	Taylor
Chrisman	Gantt	Lay	Priest	of St. Louis
Cottey	Gottschalk	Letcher	Ray	Wallace
Crockett	Hale	Massey	Rippey	Wagner
Davis	Halliburton	McAfee	Roberts	Watkins
Dysart	Hammond	McCabe		Mr. President 45

NOES

Adams	Dryden	Mudd	Ross	Taylor	
Allen	Hardin	Pulitzer	of Polk	of Jasper	
Boone	Mabrey	Rider	Rucker	Todd	15
Conway			Switzler		

ABSENT

Brockmeyer	Edwards	McKillop	3
	of Iron		

SICK

Crews	Mortell	Shields	3

Mr. Hardin offered the following amendment:

Amend by inserting after the word "Resolved," "That the Secretary of this Convention is hereby authorized to appoint such assistant clerks not exceeding seven in number as he may deem absolutely necessary to transact well the business of his department and he shall also appoint three pages and one postmaster, such appointees to be approved by the President."

which was read.

The ayes and noes being demanded, the amendment was not agreed to by the following vote:

AYES

Adams	Bradfield	Dryden	Mabrey	Pulitzer
Alexander	Conway	Hardin	McKee	Taylor
Allen	Crockett	Lay	Mudd	of Jasper 15
Boone				

40]

NOES

Black	Edwards	Johnston	Priest	Spaunhorst
Broadhead	of St. Louis	of Nodaway	Ray	Switzler
Brockmeyer	Eitzen	Lackland	Rider	Taylor
Carleton	Farris	Letcher	Rippey	of St. Louis
Chrisman	Fyan	Massey	Roberts	Todd
Cottey	Gantt	McAfee	Ross	Wallace
Davis	Gottschalk	McCabe	of Morgan	Wagner
Dysart	Hale	Maxey	Ross	Watkins
Edwards	Halliburton	Nickerson	of Polk	Mr. President
of Iron	Hammond	Norton	Rucker	46
	Hyer	Pipkin	Shanklin	

ABSENT

Holliday	McKillop	2

SICK

Crews	Mortell	Shields	3

Mr. Taylor of St. Louis offered the following amendment to the amendment:

Amend by striking out all after the word "Resolved" and insert in lieu thereof the following: "That the following additional officers be elected by the *viva voce* vote of the Convention upon the call of the roll: one second assistant secretary, one messenger, four pages, one postmaster, one folder, whose respective compensation shall be as follows: Assistant secretary, $5.00 per day; one messenger, $3.00 per day; four pages, $2.50 per day each; one postmaster, $3.00 per day; one folder, $3.00 per day."

which was read.

The ayes and noes being demanded, the amendment to the amendment was not agreed to by the following vote:

AYES

Broadhead	Edwards	McCabe	Ray	Taylor
Carleton	of St. Louis	McKee	Rucker	of St. Louis
Cottey	Eitzen	Mudd	Shanklin	Wagner 17
Edwards	Mabrey	Pipkin	Spaunhorst	
of Iron				

NOES

Adams	Dryden	Hyer	Nickerson	Ross
Alexander	Dysart	Johnston	Norton	of Polk
Black	Farris	of Nodaway	Priest	Switzler
Boone	Fyan	Lackland	Pulitzer	Taylor
Bradfield	Gantt	Lay	Rider	of Jasper
Brockmeyer	Gottschalk	Letcher	Rippey	Todd
Chrisman	Hale	Massey	Roberts	Wallace
Conway	Halliburton	McAfee	Ross	Watkins
Crockett	Hammond	Maxey	of Morgan	Mr. President
Davis	Hardin			44

41] ABSENT

Holliday	McKillop	2

SICK

Crews	Mortell	Shields	3

The question recurring on the adoption of the report of the committee as amended, the report was adopted by the following vote:

AYES

Alexander	Eitzen	Letcher	Pipkin	Taylor
Broadhead	Farris	Massey	Priest	of St. Lous
Brockmeyer	Fyan	McAfee	Rider	Todd
Carleton	Gantt	McCabe	Roberts	Wagner
Cottey	Halliburton	McKee	Ross	Watkins
Davis	Hammond	Maxey	of Morgan	Mr. President
Edwards	Hyer	Nickerson	Spaunhorst	34
of St. Louis	Johnston	Norton		

NOES

Adams	Conway	Gottschalk	Mudd	Shanklin
Allen	Crockett	Hale	Pulitzer	Switzler
Black	Dryden	Hardin	Ray	Taylor
Boone	Dysart	Lackland	Ross	of Jasper
Bradfield	Edwards	Lay	of Polk	Wallace 26
Chrisman	of Iron	Mabrey	Rucker	

ABSENT

Holliday	McKillop	Rippey	3

SICK

Crews	Mortell	Shields	3

On motion of Mr. Pulitzer the Convention adjourned until 2 o'clock p. m.

AFTERNOON SESSION

The Convention met pursuant to adjournment, Mr. President in the chair.

The President announced the following Special Committee on Report of Proceedings of Convention by shorthand reporter: Broadhead, Switzler, Chrisman, Alexander, McAfee.

Also the following standing committees of the convention:

Committee on Executive and Ministerial Departments of the State Government: E. McCabe, A. Todd, J. H. Taylor of Jasper, J. C. Roberts, L. F. Cottey, G. W. Bradfield, E. V. Conway, J. H. Maxey, A. V. McKee.

42] Committee on Executive and Ministerial Officers of the County and Municipal Government—T. W. B. Crews, John Ray, J. H. Rider, J. P. Ross, N. C. Hardin, N. Mortell, M. McKillop.

Committee on Judicial Department—W. Adams, Wm. Chrisman, C. B. McAfee, L. H. Davies, H. C. Lackland, J. O. Broadhead, A. McCabe, L. Gottschalk, T. J. Johnston, J. L. Farris, C. Hammond, A. R. Taylor, R. Dysart.

Committee on Boundaries and Political Subdivisions of the State—F. M. Black, J. C. Roberts, H. J. Spaunhorst, Jos. Pulitzer, J. H. Shanklin, S. R. Crockett, J. F. Rucker.

Committee on Representation, Representative and Senatorial Districts—E. H. Norton, J. O. Broadhead, Albert Todd, H. J. Spaunhorst, N. W. Watkins, G. W. Bradfield, R. W. Fyan, A. M. Lay, H. Boone, W. Halliburton, H. C. Wallace, Levi J. Wagner, Wm. Priest.

Committee on Organization of Militia of State—C. B. McAfee, J. P. Ross, J. H. Shanklin, S. R. Crockett, H. Boone, T. J. Johnston, J. Hyer.

Committee on Printing and Binding—E. H. Norton, B. R. Dysart, C. D. Eitzen, H. C. Lackland, J. F. T. Edwards.

Committee on Preamble to the Constitution and Bill of Rights—T. T. Gantt, E. V. Conway, L. F. Cottey, C. D. Eitzen, J. H. Maxey, W. Halliburton, J. L. Farris.

43] Committee on Accounts—C. Hammond, J. W. Ross, L. J. Dryden, J. F. T. Edwards, J. H. Rider.

Committee on Revenue and Taxation—Wm. H. Letcher, H. T. Mudd, B. F. Massey, L. J. Dryden, A. M. Alexander, E. A. Nickerson, R. W. Fyan.

Committee on Subject of Taxation and Manner of Amending Constitution*—J. B. Hale, T. W. B. Crews, N. C. Hardin, P. Mabrey, J. R. Rippey, P. Pipkin, J. Ray.

Committee on the Legislative Department—H. C. Brockmeyer, T. T. Gantt, L. Gottschalk, E. A. Nickerson, A. M. Lay, G. W. Carleton, J. Hyer, J. A. Holliday, J. W. Ross, D. C. Allen, P. Pipkin, J. H. Shanklin, J. R. Rippey.

Committee on Elections and Electors—A. M. Alexander, M. McKillop, J. H. Rider, A. R. Taylor, J. F. T. Edwards, A. V. McKee, J. F. Rucker.

Committee on Banks and Corporations.—J. C. Edwards, J. P. Ross, B. F. Massey, Wm. Priest, J. B. Hale, J. A. Holliday, G. W. Carleton.

Committee on Education—Wm. F. Switzler, Jos. Pulitzer, G. H. Shields, G' W. Carleton, A. V. McKee, D. C. Allen, W. H. Letcher.

Mr. Norton offered the following resolution:

44] Resolved, That the President appoint a Committee on Printing and Binding.

which was read and adopted.

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*The copyist obviously is mistaken in the name of the committee. Hereafter the committee will be referred to as the Committee on Manner of Amending Constitution.

Mr. Switzler offered the following:

Resolved, That the Committee on the Executive and Ministerial Departments of the State Government inquire into the expediency of so amending the Constitution as to provide:

1. That the Governor, Lieutenant-Governor, Secretary of State, Auditor of Public Accounts, Treasurer, Register of Lands, Superintendent of Public Instruction, and Attorney-General hold their offices for the term of four years.

2. That no person elected and qualified as Governor, Lieutenant-Governor, Auditor, Secretary of State or Attorney-General, shall be eligible to hold said offices more than four years in any period of eight years, nor shall any person holding either of said offices be eligible to any other office during the period for which he shall have been elected.

3. That the Governor on extraordinary occasions may convene the General Assembly by proclamation stating therein the purpose for which they are convened; and the General Assembly shall enter upon no business except that for which they are called together as specified in said proclamation.

4. That in case of disagreement between the two houses of the General Assembly with respect to the time of adjournment, the Governor may on the same being certified to him by the house first moving the adjournment, adjourn the General Assembly sine die.

5. That it shall be the duty of the Treasurer to account for and pay into the State Treasurer all moneys received by him as interest, premium or hire, in any form whatsoever, on deposit of the revenue of the State or any portion thereof in any bank, insurance or other corporation or by any individual or association of individuals.

6. If the office of either Secretary of State, Auditor, Treasurer or Attorney-General shall become vacant by reason of death, resignation or otherwise during the period for which he was elected or appointed, it shall be the duty of the Governor to appoint another who shall hold his office during the unexpired term of the officer whose vacancy he is appointed to fill.

45] which was read and on motion of Mr. Spaunhorst referred to the Committee on the Executive and Ministerial Departments of the State Government.

Mr. Todd offered the following resolution:

Resolved, That the Secretary of State be requested to furnish to each member of the Convention for his use as such member, a copy of the last edition of the Wagner Statutes of this State, if the State have them to spare for such use, the same to be returned to the Secretary when the Convention adjourns.

which was read and adopted.

Mr. Adams submitted a draft of a new constitution.

On motion of Mr. Spaunhorst the rules were suspended and the further reading dispensed with.

Mr. Shanklin offered the following resolution:

Resolved, That the draft of a revised constitution submitted by the gentleman from Cooper be laid on the table and that two hundred copies be printed for the use of the members of the Convention and for convenient reference to appropriate committees.

which was read.

Mr. Norton offered the following amendment:

Amend by striking out "That the revised Constitution be laid on the table" and insert "That the revised Constitution be referred to the appropriate committees as soon as announced."

which was read and agreed to.

The ayes and noes being demanded the resolution as amended was agreed to by the following vote:

46]

AYES

Alexander	Dryden	Hammond	McCabe	Ross
Allen	Dysart	Hardin	Nickerson	of Morgan
Carleton	Edwards	Holliday	Norton	Rucker
Chrisman	of Iron	Johnston	Priest	Shanklin
Conway	Edwards	Lackland	Pulitzer	Switzler
Cottey	of St. Louis	Lay	Ray	Taylor
Crockett	Farris	Mabrey	Rippey	of Jasper
Davis	Hale	McKee		Todd
				Wallace 36

NOES

Black	Gantt	McAfee	Ross	Wagner
Boone	Gottschalk	Maxey	of Polk	Watkins
Bradfield	Halliburton	Mudd	Spaunhorst	Mr. President
Broadhead	Hyer	Pipkin	Taylor	24
Eitzen	Letcher	Rider	of St. Louis	
Fyan	Massey	Roberts		

ABSENT

McKillop 1

SICK

Crews Mortell Shields 3

EXCUSED

Adams Brockmeyer 2

Mr. Halliburton offered the following resolution:

Resolved, That the Secretary of State be and he is hereby requested to furnish each member of this Convention with a copy of the Revised Code of the State of Missouri of 1855, containing the Constitution of 1820 with the amendments thereto, if the same are to be had, for the use of the members while sitting in this Convention, the same to be returned when the Convention adjourns.

which was read and adopted.

Mr. Spaunhorst offered the following resolution:

Resolved, That the Committee on Printing and Binding ascertain the cost of work to be done and that no matter be let or sent for printing from this Convention until said Committee report.

which was read and adopted.

Mr. Taylor of St. Louis offered the following resolution:

47] Resolved, That a standing committee of five be appointed by the President whose duty it shall be to revise any article or amendment of the Constitution after it is adopted by the Convention and report the same to the Convention on the next day or as soon thereafter as practicable.

which was read.

Mr. Brockmeyer offered the following amendment:

Amend by striking out the word "five" where it occurs and insert "eleven."

which was read and agreed to.

The resolution as amended was adopted.

Mr. Letcher offered the following resolution:

Resolved, That the Constitution be so amended as to provide:

1. That the State shall not assume or in any manner become bound for the contracts or liabilities of any county, city, town or other municipal corporation.

2. That neither the state nor any county, city, town or other municipal corporation shall issue any bond or other obligation of indebtedness except for the purpose of renewing or paying such bonds or obligations as may be outstanding.

3. That taxation by the State shall be limited to———per cent, by counties to——— per cent, by cities, towns and other municipal corporations to ——— per cent annually of the assessed value of property. Special assessments shall not be unreasonable or assessive* and when the valuation or assessment for any of the foregoing purposes

*This is clearly an error and should be "excessive."

is deemed by the property holders to be too high, he shall be entitled to a jury of six persons who shall summarily hear and determine the same.

4. That the appropriations made by the General Assembly or by the authorities of any county, city, town or other municipal corporation for any one year shall not exceed the amount of revenue collected and paid in for the next preceding year.

5. That no county now existing by law shall be reduced by change of limits or by the establishment of new counties to less than twenty miles square.

which was read and on motion referred to the following committees: First, second and fourth clauses referred to Committee on Legislative Department, third clause to the Committee on Revenue and Taxation, and fifth clause to 48] the Committee on Boundaries and Political Subdivisions of the State.

Mr. Todd by consent of the Convention presented the following communication from the Woman's Suffrage Association of Missouri:

To the Honorable Members of the Constitutional Convention:

Under the present Constitution of Missouri, women are denied the right of suffrage. This denial unjustly affects them in the various relations of life and is, as we believe, a violation of the principles of American liberty and the laws of equity which should be recognized by every Christian nation. You are about to frame a new Constitution and in this important work we pray this may be duly considered. We feel justified in making this request from the fact that you, as members of the Convention, are not the representatives of any nationality, class or sex and cannot be partisan in the narrow sense of the term; met and called by the whole people to frame a fundamental law for all, not a part. Constitutions are made not for today alone but always look to the future and should be sufficiently broad to guarantee to all who bear the burdens of government a share in the benefits. You will recognize in this Constitution the power to tax and to impose taxes irrespective of sex. The exercise of this power brings a burden and there should be a corresponding benefit. This benefit in all republican government is the right of representation. This right should be as broad as the power to tax, otherwise a constitution becomes a mere instrument of injustice and not the safe-guard of the liberties of the people. "That he has imposed taxes without our consent" was the grievance which more than any other moved the men of the Revolution to throw off their allegiance to George the Third! Yet we find the men of today imposing the very burdens which men so strongly resisted a hundred years ago. This injustice is manifestly great but in our opinion is not the greatest of the evils inflicted by the disfranchisement of women.

Legislation which restricts the expression of opinion, which deprives the individual of a voice in the laws by which he is governed, which takes from a mother any portion of her influence in the control and education of her children, in a word the legislation which degrades any class of citizens by limiting their power as moral agents, is more oppressive than those which effects the mere disposition of property. To do injustice to another in that which pertains to his material posses-
49] sions, his goods and chattels is to commit a trespass which may be forgiven, but what can atone for sins against the individual in that which relates to the higher being—that which affects his immortal destiny. Laws which result in binding the conscience, subjugating the will, and blessing the self-respect, constitute the greatest measure of oppression which can be inflicted upon thinking, responsible beings. Of such laws we complain. The progress which has been made in the last four years, in extending the right of citizens, indicates the direction in which our civilization is tending. To act in accordance with this tendency will be to meet the approval of the coming generations for it must be apparent to all that in a government instituted for the people, no class distinctions are to be permitted, but that the ballot, the symbol of self-government, is to become the common property of all. May we not hope then that in the proposed Constitution, as regards the rights of suffrage, no distinction may be made on account of sex.

Rebecca N. Hazard,
Rose Tittman,
Mrs. J. B. Henderson,
Mrs. Geo. H. Rea,
Mrs. Geo. D. Hall,
In behalf of the Woman's Suffrage Association of Missouri.

Pending the reading of the communication, Mr. Massey moved the further reading be dispensed with and referred to the Committee on Elections and Electors.
which was agreed to.

Mr. Switzler offered the following resolution:

Resolved, That the Committee on Legislative Department inquire into the expediency of so amending the Constitution as to provide:

1. That the General Assembly shall convene biennially at the Capitol, remain in session not longer than sixty days, and that it have no authority to meet in extra or special session except when called together by proclamation of the Governor.

2. That local or special legislation be interdicted and to this end the committee report a provision specifying in detail the subjects concerning which the General Assembly shall pass no laws.

which was read and on motion referred to the Committee on Legislative Department.

Mr. Lay offered the following resolution:

50] Resolved, 1. That in the judgment of this Convention it is expedient and proper that the deliberations of this body should be opened each morning by invoking the divine blessing and aid in its labors.

2. That the Committee to whom was referred the question as to what officers are necessary to transact the business of the Convention are instructed to arrange with the pastors of the several churches in the city of Jefferson so as to secure the services of one or more of them in opening the deliberations of the Convention each morning by prayer.

which was read.

Mr. Massey moved to lay the resolution on the table.

The ayes and noes being demanded, the motion to lay on the table was not agreed to by the following vote:

AYES

Allen	Eitzen	Hyer	Pipkin	Ross	
Bradfield	Farris	Johnston	Priest	of Polk	
Broadhead	Gantt	Letcher	Pulitzer	Spaunhorst	
Carleton	Gottschalk	Massey	Ray	Todd	
Edwards	Halliburton	McCabe	Rider	Watkins	
of St. Louis	Holliday	Mudd		Mr. President	27

NOES

Adams	Crockett	Hammond	Maxey	Switzler	
Alexander	Davis	Hardin	Nickerson	Taylor	
Black	Dryden	Lackland	Norton	of St. Lous	
Boone	Dysart	Lay	Rippey	Taylor	
Brockmeyer	Edwards	Mabrey	Roberts	of Jasper	
Chrisman	of Iron	McAfee	Rucker	Wallace	
Conway	Fyan	McKee	Shanklin	Wagner	34
Cottey	Hale				

ABSENT

McKillop	Ross of Morgan	2

SICK

Crews	Mortell	Shields	3

Mr. Gantt offered the following amendment:

Amend by adding the following: *Provided*, That no claim be thereby created in favor of any one officiating as Chaplain to be paid out of the public treasury of the State or out of the contingent fund of the Convention.

which was read.

Mr. McAfee moved to adjourn until tomorrow morning
51] at 9 o'clock, which was not agreed to.

On motion of Mr. Spaunhorst the resolution and amendment was referred to the Committee on Officers.

On motion of Mr. Gottschalk the Convention adjourned until tomorrow morning, 9 o'clock a. m.

SATURDAY, MAY 8, 1875.

MORNING SESSION

The Convention met pursuant to adjournment, the President in the chair.

On motion of Mr. Conway the Reverend Mr. Prottsman opened the Convention with prayer.

The journal of yesterday was being read when on motion of Mr. Hardin the further reading was dispensed with.

Mr. Wallace offered the following resolution:

Resolved, That an additional standing committee for this Convention be appointed by the President to be known as the Committee on Miscellaneous Provisions of the Constitution and which shall consist of seven members.

which was read and adopted.

Mr. Broadhead offered the following resolution:

Resolved, That the Committee on Banks and Corporations be instructed to inquire into the expediency of reporting provisions in the Constitution substantially as follows:

1. No corporation shall issue stock or bonds except for money paid, labor due, or property actually received. The stock and indebtedness of corporations shall not be incurred except in pursuance of general law without the consent of the person holding the larger amount in
52] value of the stocks first obtained at a meeting called for that purpose.

2. The directors and managers of all corporations shall be held personally liable for all debts created or contracted over and above the amount of capital stock actually paid in at the time of the creation of such indebtedness.

3. The exercise of the police power of the State shall never be abridged or so construed as to permit corporations to infringe the equal rights of individuals or the well-being of the State, and the General Assembly shall by appropriate legislation provide for a visitation, by competent authority, of all corporations not strictly of a public character

and for forfeiting their charters on account of acts done in violation of public policy.

which was read and on motion referred to the Committee on Banks and Corporations.

The President announced that he had appointed Mr. V. M. Hobbs second assistant secretary of the Convention.

Mr. Roberts offered the following resolution:

Resolved, That the Committee on Revenue and Taxation be instructed to inquire into the expediency of reporting an amendment to the Constitution substantially as follows: The Legislature shall have power to tax pedlers, auctioneers, brokers, bankers, merchants, commission merchants, showmen, jugglers, inn-keepers, liquor dealers, toll bridges, ferries, insurance, telegraph and express interests or business, venders of patents, persons on their incomes, distillers of spirits and persons or corporations owning or using franchises and privileges, in such manner as it shall from time to time direct by general law, uniform as to the class upon which it operates; and the Legislature shall also have power to provide such further revenue as may be needful, levying a tax by valuation so that all taxes shall be uniform upon the same class of subjects within the territorial limits of the authority levying the tax and so that every person and corporation shall pay a tax in proportion to his, her or its property, such value to be ascertained by some persons to be elected or appointed in such manner as the Legislature shall direct and not otherwise permissory.

which was read and on motion referred to Committee on Revenue and Taxation.

53] Mr. Davis offered the following resolution:

Resolved, That the Committee on Revenue and Taxation take into consideration the following change in the revenue system:

1. All taxes shall be uniform upon the same class of subjects within the territorial limits of the authority levying the tax and shall be levied and collected under general laws and in such a manner that every person and corporation shall pay a tax in proportion to the value of his, her or its property.

2. No property, real or personal, shall be exempt from taxation except such as may be used exclusively for public schools supported by taxation, public property used for public purposes, buildings and grounds used solely for religious worship to the amount in value of twenty-five hundred dollars and no more, places of burial not used for private or corporate profit, and institutions of purely public charity.

3. All laws exempting property from taxation, other than the property above enumerated shall be void.

which was read and on motion referred to the Committee on Revenue and Taxation.

Mr. Crews offered the following resolution:

Resolved, That whenever any person has been elected or appointed to any office under the Constitution or laws of this State, and by reason of death, removal from the State, disloyalty or other causes, such person fails to qualify or enter upon the discharge of the duties of his office, a vacancy shall be deemed to exist in said office, and the same shall be filled as in other cases of vacancy.

which was read and on motion referred to the Committee on Judicial Department.

Mr. Rider from the Committee on Additional Officers submitted the following report:

Mr. President:

Your Committee to which was referred the resolution upon the subject of a Chaplain for this Convention has had the same under consideration and instructed me to report the following:

Resolved, That the reverend clergymen of this city are welcome to the Hall of this Convention to open the morning session with prayer, and that the Secretary of this Convention give notice through the morning papers of the adoption of this resolution; *Provided,* it be expressly understood that no charge upon the public treasury shall issue from the adoption of the foregoing resolution.

which was read.

54] Mr. Priest moved the report of the Committee be received, which was agreed to.

Mr. Pulitzer moved the previous question, which was ordered.

The question recurring upon the adoption of the resolution recommended by the Committee on Officers, the ayes and noes being demanded, the resolution recommended by the Committee was adopted by the following vote:

AYES

Alexander	Edwards	Hyer	Nickerson	Ross
Allen	of St. Louis	Johnston	Pipkin	of Polk
Boone	Farris	of Nodaway	Priest	Spaunhorst
Bradfield	Fyan	Letcher	Pulitzer	Taylor
Broadhead	Gantt	Mabrey	Rider	of St. Louis
Brockmeyer	Halliburton	Massey	Rippey	Todd
Carleton	Hammond	McAfee	Ross	Watkins
Crews	Hardin	Maxey	of Morgan	Mr. President
Davis	Holliday	Mudd		38

NOES

Adams	Crockett	Lay	Roberts	Taylor of Jasper	
Black	Dryden	McCabe	Rucker	Wallace	
Chrisman	Gottschalk	McKee	Shanklin	Wagner	20
Conway	Hale	Ray	Switzler		
Cottey					

ABSENT

Dysart	Edwards of Iron	Eitzen	Norton	Lackland	6
		McKillop			

SICK

Mortell	Shields	2

Mr. Pulitzer moved to reconsider the vote by which the resolution was adopted and to lay his motion to reconsider on the table, which was agreed to.

Mr. McAfee offered the following resolution:

55] Resolved, That the Committee on Additional Officers and Employes be retained as one of the standing committees of the Convention, and that all resolutions and propositions for additional clerical force, additional officers or employes, extra or additional pay, be referred to such committee without debate.

which was read.

Mr. Todd offered the following amendment:

Amend by adding, "That the compensation for the services of all persons, appointed or engaged by the Convention, shall be determined at the time of their respective appointments, or engagements, unless already determined and that the same shall not be increased, or added to for any alleged cause whatever."

which was read and agreed to.

Mr. Pulitzer offered the following substitute for the resolution as amended:

Amend by striking out all after the word "Resolved," and insert the following: "That the President of this Convention be authorized to employ, if found absolutely necessary, such additional assistance as in his judgment may seem proper; *provided*, that the compensation for the services of all persons appointed or engaged by the President of the Convention shall be determined at the time of their respective appointments or engagements, unless already determined, and that the same shall not be increased or added to for any alleged cause whatever."

which was read and agreed to.

The resolution as amended by the substitute was adopted.

Mr. Todd offered the following resolution:

Resolved, That the Committee on Elections and Electors inquire into the expediency of reporting the following, as an amendment to the Constitution: It shall not be lawful for any person to vote or to be elected to any office, who shall not have paid a poll tax of at least one dollar during the year next preceding the time when he offers to vote, or becomes a candidate for office. Such poll tax shall be appropriated for the support of the militia and common public schools, as shall be provided for by law.

which was read and on motion of Mr. McCabe referred to the Committee on Elections and Electors.

Mr. Todd offered the following resolution:

56] Resolved, That the Committee on Legislative Department be requested to inquire into the expediency of reporting the following as an amendment to the Constitution: No office of any kind, or grade, excepting judges of courts of record shall have a larger salary, compensation or fees at any time during the time for which he was appointed or elected than were provided for, by law, at the commencement of such term.

which was read, and on motion of Mr. Priest referred to the Committee on Legislative Department.

Mr. McCabe offered the following resolution:

Resolved, That the Committee on Preamble and Bill of Rights be instructed to inquire into the propriety of reporting an amendment or addition to the article now entitled "Declaration of Rights," substantially as follows: Private property shall not be taken or damaged for public use without just compensation, such compensation when not made by the State, shall be ascertained by a jury, as shall be prescribed by law. The fee of land taken by railroad tracks without the consent of the owners thereof shall remain in such owners subject to the use for which it is taken.

which was read and on motion of Mr. Dryden referred to the Committee on Preamble and Bill of Rights.

Mr. Lackland offered the following resolution:

Resolved, That the Constitution be so amended as to provide that: Section——— After the first day of January, one thousand eight hundred and seventy-seven, every voter, if he shall not own taxable property to the amount of two hundred dollars, shall be assessed for all revenue purposes in the sum of two hundred dollars and he shall pay the annual taxes imposed by law on that sum for the year in which he offers to vote, if they shall be due and payable for that year, if not, then

for the preceding year, before he shall be entitled to vote at any State, county, municipal or school election.

which was read and on motion of Mr. Gottschalk referred to the Committee on Elections and Electors.

Mr. Letcher from the Committee on Revenue and Taxation submitted the following report:

Mr. President:

The Committee on Revenue and Taxation to which was referred the preamble and resolution offered by Mr. Mudd relating to the payment 57] of the bonded indebtedness of the State, having had the same under consideration, have instructed me to report the same back to the Convention with the recommendation that it be passed.

which was read and on motion of Mr. Letcher received.

Mr. Adams moved that the further consideration of the preamble and resolution relating to the payment of the bonded indebtedness of the State be postponed, which was not agreed to.

Mr. Norton offered the following substitute:

Resolved, That it is the sense of this Convention that the provisions of an ordinance for the payment of State and railroad indebtedness adopted April 8, 1865, be incorporated in the Constitution to be framed by this Convention.

which was read.

Leave of absence was granted to Mr. Taylor of Jasper for two days.

On motion of Mr. Boone the Convention adjourned until 2 o'clock p. m.

AFTERNOON SESSION

The Convention met pursuant to adjournment, N. W. Watkins, Vice-President, in the chair.

The Convention resumed the consideration of the resolution reported by the Committee on Revenue and Taxation.

Mr. Norton by leave of the Convention withdrew his amendment offered in the morning session.

Mr. Norton offered the following amendment to the resolution recommended by the Committee:

Amend by striking out all after the word "Resolved" and insert in lieu thereof the following: "That it is the sense of the members of this Convention that we are representing the will of the people of the State of Missouri when we declare that the interest on the State debt, and the bonds shall be paid according to their tenor and that this convention will provide by proper provision in the proposed Constitution therefor."

which was read.

Mr. Bradfield offered the following amendment to the amendment:

58] Resolved, That the report of the Committee on Revenue and Taxation and the amendments be recommitted to said Committee, and they be instructed to report to the Convention, a constitutional provision requiring the Legislature to pass such laws as will secure the prompt payment of the interest accruing on the debt of the State and the bonds of the State at maturity.

which was read.

Mr. Todd offered the following substitute for the resolution and amendments:

Whereas, the payment of the interest of the State indebtedness and of the indebtedness itself as they become due is as fully secured by an organic law as it is possible and has been entirely successful therefor. Therefore, Resolved, That as this Convention or the people can not make any stronger guaranty for such payments this Convention declines the attempt to adopt any new plans or guaranty therefor.

which was read.

Mr. Bradfield with the consent of the Convention withdrew his amendment.

The question recurring on the substitute offered by Mr. Todd, it was not agreed to.

The amendment offered by Mr. Norton was agreed to by the following vote:

AYES

Adams	Conway	Fyan	Johnston	Norton
Alexander	Cottey	Gantt	Lackland	Pipkin
Allen	Crockett	Gottschalk	Letcher	Priest
Black	Davis	Hale	Mabrey	Ray
Boone	Dryden	Halliburton	McAfee	Rider
Bradfield	Dysart	Hammond	McCabe	Rippey
Brockmeyer	Edwards	Hardin	McKee	Roberts
Carleton	of Iron	Holliday	Mortell	Ross
Chrisman	Farris	Hyer	Nickerson	of Morgan

Ross	Rucker	Taylor	Wallace	Watkins	
of Polk	Shanklin	of St. Louis	Wagner	Mr. President	
	Spaunhorst	Todd			53

NOES

Shields	1

ABSENT WITH LEAVE

Taylor of Jasper	1

ABSENT

Broadhead	Eitzen	Massey	Maxey	Pulitzer	
Edwards of St. Louis	Lay	McKillop	Mudd	Switzler	10

SICK

Crews	1

The resolution recommended by the Committee as amended was adopted.

Mr. Johnston offered the following resolution:

Resolved, That the Committee on Legislative Department take into consideration the propriety of incorporating into this report the following provision as a part of the proposed revised or amended Constitution 59] of this State to wit:

That the House of Representatives shall consist of three times the number of members in the Senate and the term of office of Representatives shall be two years. Three Representatives shall be elected from each senatorial district at the general election in the year 1876, and every two years thereafter and at all elections for Representatives to the Legislature each elector may cast the votes for Representatives and may distribute such three votes among the three members to be elected in his district or at his option may cast them all for one member or may cast equal parts of three votes among said members at his pleasure.

which was read and referred to the Committee on Legislative Department.

Mr. Cottey offered the following resolution:

Resolved, That the Committee on Printing and Binding be instructed to inquire and report to this Convention as early as practical whether the printing necessary for this Convention is or is not provided for under the Constitution and laws of this State and existing contracts.

Secondly—If said Committee shall be of opinion that such printing as this Convention may require is not so provided for, that they report the best and most economical mode for printing the same and what printing it is desirable to provide for and upon what terms said printing can be done in this city.

which was read and adopted.

Mr. Chrisman offered the following resolution:

Resolved, That the Committee on Elections be requested to inquire into the expediency of so amending the Constitution as to provide as follows: The trial and determination of contested elections of electors for President and Vice-President, members of the General Assembly and all public officers, whether State, judicial, municipal or local shall be by the courts or by one or more of the judges thereof. The General Assembly shall by general law designate the courts and judges by whom the several classes of election contests shall be tried and regulate the manner of trial and all matters incident thereto, but no such law assigning jurisdiction or regulating its exercise shall apply to any contest arising out of an election held before its passage.

which was read and on motion referred to the Committee on Elections and Electors.

Mr. Wallace offered the following resolution:

Resolved, That a special committee of three members be appointed by the President whose duty it shall be to inquire into the propriety of employing a competent reporter for the Convention and the terms on which such reporter can be employed and report to the Convention at an early day.

60] which was read and on motion the further consideration of the resolution was postponed until Monday morning.

Mr. Gantt offered the following amendment to the rules of the Convention:

1. No member shall in debate refer to another except as the member from the county he represents.

2. No member when the ayes and noes are called shall give an explanation of his vote unless by unanimous consent of the Convention.

which was read.

Mr. Norton offered the following amendment:

Amend by adding to the first rule, "except in counties having more than one delegate who may then be referred to by name."

which was read and agreed to.

Mr. Shanklin offered the following amendment:

Amend first proposed rule by striking out the word "member" and inserting the word "gentleman."

which was read and not agreed to.

On motion of Mr. Gottschalk the rules as amended were referred to the Committee on Rules.

On motion of Mr. Priest the Convention adjourned until Monday, 10 o'clock a. m.

MONDAY, MAY 10, 1875

MORNING SESSION

The Convention met pursuant to adjournment, the President in the chair.

The journal of Friday was read and approved.

The journal of Saturday was corrected and approved.

Mr. Roberts stated that as the resolution offered by Mr. Norton was adopted in lieu of the resolution recommended by the Committee on Revenue and Taxation he would ask leave of the Convention to change his vote from no to aye. Leave was granted and the Secretary authorized to make the change.

Mr. Shackelford from the Seventh Senatorial District came forward, presented his credentials and was sworn in by Mr. Burch, notary public for Cole county.

Mr. Brockmeyer moved that when the Convention adjourns it adjourn until tomorrow, 9 o'clock a. m., which 61] was agreed to.

Mr. Halliburton offered the following resolution:

Resolved, That the Committee on Legislation be requested to inquire into the expediency of incorporating into the Constitution the following provisions:

First. A provision prohibiting the Legislature from passing any law to pay by the State the war claims audited under the late act of the Legislature or that may hereafter be audited under said act or any similar act except from funds obtained from the United States for that purpose.

Second. A provision prohibiting special legislation of the following cases:

1. Granting divorces.
2. Changing the names of persons or places.
3. Laying out, opening, altering and working roads or highways.
4. Vacating roads, town plats, streets, alleys and public grounds.
5. Locating or changing county seats.
6. Regulating county and township affairs.
7. Regulating the practice in courts of justice.
8. Regulating the jurisdiction and duties of justices of the peace, police magistrates and constables.
9. Providing for changes of venue in civil and criminal cases.

10. Incorporating cities, towns or villages or changing or amending.

11. Providing for the election of members of the board of supervisors, other officers in townships, incorporated towns or cities.

12. Summoning and impaneling grand or petit juries.

13. Providing for the management of common schools.

14. Regulating the rate of interest on money.

15. The opening and conducting of any election or designating the place of voting.

16. The sale or mortgage of real estate belonging to minors or others under disability.

17. The protection of game or fish.

18. The chartering or licensing of ferries or toll bridges.

19. Remitting fines, penalties or forfeitures.

20. Creating, increasing or decreasing fees, percentage or allowance of public officers.

21. Changing the law of descent.

22. Granting to any corporation, association or individual the right to lay down railroad tracks or amending existing charters for such purposes.

23. Granting to any corporation, association or individual any special or exclusive privilege, immunity or franchise whatever.

24. In all other cases where a general law can be made applicable no special law shall be enacted.

62] 25. No money shall be appropriated out of the treasury by any special act of the Legislature.

Third. The General Assembly shall have no power to release or extinguish in whole or in part the indebtedness, liability or obligation of any corporation or individual to this State or any municipality therein.

Fourth. That neither the State nor any county, township, city, town nor other municipal corporation shall ever pay, assume or become responsible for the debts or liabilities of, or in any manner give, loan or extend its credit to or in aid of any public or other corporation, association or individual.

Mr. Spaunhorst offered the following resolution:

Resolved, That every proposition, memorial, petition or remonstrance presented to this Convention in writing shall have appropriate heading or title designating the subject matter to which same relates and that when such proposition, memorial, petition or remonstrance be referred to committee no entry except the heading or title and the subject to which the same relates shall be entered on the journal. All reports from committees shall be entered in full and spread on the journal.

which was read.

Mr. Hale moved to refer the resolution to the Committee on Rules, which was not agreed to.

Pending the discussion of the adoption of the resolution,

on motion of Mr. Dysart the rules were suspended to allow the Committee on Printing and Binding to make a report.

Mr. Norton from the Committee on Printing and Binding submitted the following report:

To the President of the Constitutional Convention:

The Committee on Printing and Binding to which was referred the following resolution:

Resolved, That the Committee on Printing and Binding be instructed to inquire and report to this Convention as early as practicable whether the printing necessary for this Convention is or is not provided for under the Constitution and laws of this State and existing contracts. Secondly. If said committee shall be of opinion that such printing as this Convention may require is not provided for, that they report the best and most economical mode for printing the same and what printing it is desirable to provide for and upon what terms said printing can be done in this city.

Respectfully report that under the provisions of a joint resolution of the General Assembly passed on the 20th day of March, 1874, a con-
63] tract was entered into between the State through the Commissioners of Public Printing, and Regan and Carter, under which the said Regan and Carter agreed to do the printing for the State upon the terms specified in said contract.

The Committee in response to the resolution thus referred would report that under said contract the printing of the State is provided for and would recommend the adoption of the following resolution:

Resolved, That Messrs. Regan and Carter, under their contract with the State to do the public printing for the State, are entitled to the printing necessary for this Convention on the terms specified in their contract. A copy of said contract, containing a schedule of prices, is hereto annexed as part of this report with the addition to the word "additional" in the 8th line from the top of the second page of said contract the word "one hundred" before the word "page" and changing the word "page" to "pages," which change is agreed to by said Regan and Carter so as to make the same read "one hundred additional pages."

which was read.

Mr. Cottey moved that the report of the Committee be adopted, which was agreed to.

The question recurring on the adoption of the resolution recommended by the Committee, Mr. Rider moved that the Convention adjourn.

Mr. Rider, at the request of the President, withdrew

his motion to adjourn for the purpose of allowing the President to announce the following additional standing committees:

Committee on Revision—A. R. Taylor, A. Todd, N. A. Mortell, F. M. Black, L. J. Wagner, J. L. Farris, Thomas Shackelford, Jas. H. Maxey, E. McCabe, J. H. Shanklin, J. F. Rucker.

Committee on Miscellaneous Provisions—H. C. Wallace, Thomas Shackelford, N. W. Watkins, J. H. Taylor, Geo. H. Shields, T. W. B. Crews, Wm. Chrisman.

Pending the discussion of the resolution, Mr. Rider moved to adjourn, which was agreed to.

In pursuance of Mr. Brockmeyer's motion*, the President declared the Convention adjourned until tomorrow, 9 o'clock a. m.

TUESDAY, MAY 11, 1875

MORNING SESSION

The Convention met pursuant to adjournment, the President in the chair.

The journal of yesterday was read and approved.

64] Leave of absence was granted Messrs. Brockmeyer, Broadhead and Mudd on account of sickness.

Leave of absence was granted Messrs. Taylor of St. Louis and Pulitzer.

The Convention resumed the consideration of the resolution reported by the Committee on Printing and Binding pending at adjournment, and the resolution was adopted.

Mr. Shields called up the resolution offered by Mr. Spaunhorst in relation to entering propositions, memorials petitions and remonstrances on the journal which was under discussion when the rules were suspended to allow Committee on Printing and Binding to report, and offered the following amendment:

Amend by striking out all after the word "Resolved" and insert the following: "All resolutions, memorials, petitions and remonstrances

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*This was Mr. Rider's motion.

shall be numbered consecutively by the Secretary when offered. If the same are referred to a committee and the report of the committee be adverse or if the report be favorable on the subject without change of language the same shall be referred to in the report by the number and name of the mover and shall not be entered in full on the journal a second time."

which was read and agreed to.

The resolution as amended was adopted.

Mr. Shields moved to reconsider the vote by which the resolution was adopted and to lay his motion to reconsider on the table, which was agreed to.

Mr. Conway offered the following resolution:

Resolved, That the Committee on the Judiciary be directed to inquire into the expediency of providing in the Constitution for a circuit attorney for each judicial circuit and report thereon to this Convention.

which was read and on motion referred to the Committee on Judicial Department.

Mr. Allen offered the following resolution:

Resolved, That the Committee on the Judiciary examine into the question whether under the existing Constitution the jurisdiction of the circuit court of the State over railway companies whose lines extend through more than one county or circuit is or can be made by the General Assembly sufficiently ample and certain to enable those courts to enforce their judgments and decrees with precision and effect and so that in the event of a sale of such lines it can be made at one place to be designated by the courts and by one writ acting over and along the entire line, and if the Committee find such jurisdiction to be not ample and 65] certain for those purposes it report an amendment to the Constitution which will invest those courts with the necessary and proper jurisdiction and which will make such judgments and decrees liens upon the entire extent of such lines of railway.

which was read and on motion referred to the Committee on Judicial Department.

Mr. Priest offered the following resolution:

Resolved, That all corporations in the State of Missouri shall have an office in the State and a book shall be kept, containing a full and complete record of the names and places of residence of all the directors and other officers belonging to said corporations, for the inspection of any person, and a majority of the directors of such corporations shall be resident citizens of the State.

which was read and referred to Committee on Banks and Corporations.

Mr. Wagner offered the following resolution:

Resolved, That the Committee on Legislative Department inquire into the expediency of so amending the Constitution as to provide: That no amendment to bills by one house shall be concurred in by the other except by the vote of a majority of all the members elected thereto taken by yeas and nays and the names of those voting for and against recorded upon the journals thereof, and reports of committees of conference shall be adopted in either house only by the vote of a majority of the members elected thereto taken by yeas and nays and the names of those voting for and against recorded upon the journal.

which was read and on motion referred to the Committee on Legislative Department.

Mr. Hardin offered the following resolution:

Resolved, That the Committee on Legislative Department is hereby instructed to inquire into the expediency of reporting to this Convention for its consideration a section in the Constitution which shall provide substantially: That members of the General Assembly before entering upon their official duties shall take and subscribe an oath or affirmation to support the Constitution of the United States and the Constitution of the State of Missouri, and to faithfully discharge the duties devolving upon them, as members of such General Assembly. That they have not knowingly or intentionally paid or contributed anything or made any promise in the nature of a bribe, to influence any vote at the election at which they were chosen to fill said offices. That they have not accepted and will not accept or receive directly or indirectly any money or other valuable thing from any person, corporation or company on account of any influence or vote they may give or withhold on any bill resulting as an appropriation or for any other official act. That any member refusing to take such oath or affirmation shall forfeit his office and be disqualified thereafter from holding any office of profit or trust in this 66] State. Such oath to be administered by a judge of the Supreme or circuit court and when subscribed recorded in the office of Secretary of State.

which was read and on motion referred to the Committee on Legislative Department.

Mr. Hammond offered the following resolution:

Resolved, That the Committee on Judicial Department be instructed to inquire into the expediency of so amending the Constitution as to provide that all elections for judges of the Supreme Court, circuit courts and such other courts of civil and criminal jurisdiction as may be established shall be held in a different year from the year in which the general elections are held.

which was read and on motion of Mr. McCabe referred to the Committee on Judicial Department,

Mr. Switzler offered the following resolution:

Resolved, That the Committee on Boundaries inquire into the propriety of simply ratifying the present boundaries of the State as established by law instead of setting them out by meets and bounds in the Article on Boundaries.

which was read and on motion of Mr. Adams referred to the Committee on Boundaries and Political Subdivisions of the State.

Mr. Nickerson offered the following resolution:

Resolved, That the Committee on Judiciary be instructed to inquire into the expediency of inserting a provision in the Constitution substantially as follows: In all counties containing a population of twenty thousand inhabitants separate terms of the circuit court shall be held for the trial of criminal cases.

which was read and on motion referred to the Committee on Judicial Department.

Mr. Rider offered the following resolution:

Resolved, That the Committee on the Executive be instructed to inquire into the expediency of so amending the Constitution of this State by constituting a committee composed of the Register of Lands, Auditor and Attorney-General so as to limit the pardoning power of the Governor of the State.

which was read and on motion referred to the Committee on Executive and Ministerial Department of the State Government.

Mr. Lackland offered the following resolution:

Amendment to the Constitution to prevent a division of the school funds among the different religious denominations:

67] Resolved, That the Committee on Education be instructed to inquire into the expediency of so amending the Constitution as to forever prohibit the General Assembly from enacting any law for the purpose of dividing up or parcelling out the school funds or any money raised for school purposes among the different religious denominations, creeds, sects or churches of this State to be used by such religious denominations, creeds, sects, or churches for educational purposes.

which was read and on motion referred to the Committee on Education.

Mr. Massey offered the following propositions:

1. The Constitution should provide that no law should be enacted that on its face and in express terms declares its duration to be for twenty

years or forty years or any other specific time, but all laws of every kind should be at all times subject to the law-making power in all its provisions.

2. The law making power should be prohibited from authorizing any political or municipal body, real or fictitious, from becoming the creditors of any association of any character by a bonded indebtedness or any other way.

3. The Legislative Department of government should be required by expressed constitutional provisions to confine itself strictly to enacting laws and should be prohibited from delegating that power.

4. All laws in or by their powers should be co-extensive with the State.

5.

6. Railroads should be declared public highways and public carriers. The rate of fare and freights may be regulated by legislative provisions. Discrimination as to freight should be prohibited. The property of all roads should be subject to a like tax as to other property whether it may be personal or real.

7. General laws shall be passed providing for the incorporation of cities, granting full and ample authority to enact all ordinances their councils may deem proper and necessary, of course not contrary to any of the provisions of the State Constitution.

8. Towns of a specified population may be incorporated under general laws but the power of such to borrow money or to contract debts is to be absolutely prohibited.

9. The use of public money by any one in any way not authorized by law shall be prohibited by law, if such shall be done by an official he shall be disqualified ever after to hold any office and shall also forfeit the position he may at the time be holding.

10. The casting of a vote unauthorized by the law regulating the right to vote shall disqualify the party ever after from voting provided the same shall be proven according to law.

11. All elections for judges, county court judges and justices included, shall be held at a time different from all other elections. Election for all county officers shall be held at a time different from all other elec-
68] tions. Election for Governor and Lieutenant-Governor, all the State officers and members of the Legislature shall be held at a time different from all other elections and at such times in each case as may be appointed by law and at all elections the votes shall be cast *viva voce*.

12. The General Assembly shall be vested with full and complete authority to levy the taxes required to carry on the State Government in all its departments and no other power or authority shall exercise any power or authority of this kind. Cities and incorporated towns may be authorized to levy taxes to defray the necessary expenses of such municipality by general law and the rate per cent shall be prescribed by the General Assembly. All persons, co-partnership and corporate companies shall pay taxes in proportion to the value of his, her, their or its property, such valuation to be ascertained by general laws and not otherwise.

13. Public schools, asylums for the insane, institutions for the benefit of the deaf, dumb or blind are to be considered as public charities and so far as any or each shall become a charge upon the body of the State, said charge shall be provided for by State taxation and no other. Said taxation shall be in conformity with the system of raising revenue generally except in so far as free or district schools are concerned. A per capita tax shall be levied on all male persons between the ages of 21 and 45 years of age.

14. It shall be the duty of each General Assembly to make and publish with the journals a statement of estimates of the amounts required for the ensuing two years of all charges upon the public treasury, also statements of the amounts in money of property made taxable and also all other sources of revenue.

15. The State shall never be made responsible for the debts or liabilities of any county, corporation, association or individual; nor shall it in any manner give, loan or extend its credit in any way to such for any purpose; neither shall any county, municipality, township or school district ever incur any interest bearing indebtedness of any character nor shall any incorporated town do this nor any city except by a vote of two-thirds of its legally qualified voters at an election to be held for this purpose solely.

16. The General Assembly shall receive for their services such per diem and mileage as may from time to time be agreed on and authorized by law, but touching what is known as contingencies or incidentals of members of the Legislature they shall never exceed the sum of thirty 69] dollars per session which shall be in full for postage, stationery and all these incidental expenses and perquisites and this amount shall be paid to each member aud managed and controlled each for himself. The per diem of members shall not be increased to take effect during the term for which they may have been elected.

17. The General Assembly shall fix and determine the salaries of all State officers. The fees allowed by law to any State officer shall be by said officer paid into the State treasury. The number and pay of all employes of the State officers shall be fixed by law.

18. State taxes for any one year shall never exceed one-half of one per cent. Counties shall be authorized to levy only the same per cent, but a greater amount may be levied both on the part of the State and the counties when necessary to liquidate indebtedness existing before the adoption of this Constitution.

19. Any official of any of the State departments or any member of the General Assembly who shall accept any gift or gratuity of any kind from any corporation, association or combination of any character shall be deemed guilty of a misdemeanor and shall be punished therefor both by fine and imprisonment and shall forfeit his official position, and the Legislature shall at its first session after the adoption of this Constitution pass laws to enforce this provision.

which was read and on motion referred to the committees as follows:

First proposition to the Committee on Legislative Department.
Second proposition to the Committee on Legislative Department.
Third proposition to the committee on Legislative Department.
Fourth proposition to the Committee on Legislative Department.
Sixth proposition to the Committee on Banks and Corporations.
Seventh proposition to the Committee on Banks and Corporations.
Eighth proposition to the Committee on Banks and Corporations.
Ninth proposition to the Committee on Legislative Department.
Tenth proposition to the Committee on Legislative Department.
Eleventh proposition to the Committee on Elections and Electors.
Twelfth proposition to the Committee on Revenue and Taxation.
Thirteenth proposition to the Committee on Miscellaneous Provisions.
Fourteenth proposition to the Committee on Revenue and Taxation.
Fifteenth proposition to the Committee on Miscellaneous Provisions.
Sixteenth proposition to the Committee on Legislative Department.
Seventeenth proposition to the Committee on Legislative Department.
Eighteenth proposition to the Committee on Revenue and Taxation.
Nineteenth proposition to the Committee on Miscellaneous Provisions.

Mr. Boone offered the following resolution:

Resolved, That the Committee on the Bill of Rights is instrtucted 70] to inquire into the expediency of an amendment to the Constitution providing for proceedings against persons accused of crime by information instead of indictment.

which was read and on motion referred to the Committee on Preamble and Bill of Rights.

Mr. Pipkin offered the following resolution:

Resolved, That the Committee on Judicial Department be requested to inquire into the expediency of making such provisions in the Constitution as will make the term of the office of judges of the Supreme and circuit court for life or good behavior and that the same shall be appointed by the Governor and confirmed by the Senate.

which was read and on motion referred to the Committee on Judicial Department.

Mr. Rippey offered the following resolution:

Resolved, That the Committee on Judiciary Department be instructed to inquire into the expediency of amending our Constitution in substance as follows: No divorce dissolving the marriage contract shall be granted except for dissolving for five years cruelty where the husband is worthless and cannot be compelled to support each separately, and for adultery, and then it shall not be lawful for the party on account of whose adultery a divorce shall have been decreed to marry again during the

life of the husband or wife in whose behalf such decree shall have been rendered.

which was read and on motion referred to the Committee on Judicial Department.

Mr. Carleton offered the following resolution in relation to qualification of voters and witnesses:

Resolved, That the Committee on Preamble and Bill of Rights take into consideration the expediency of incorporating into the Bill of Rights the following: No religious test or amount of property shall ever be required as a qualification for any officer of public trust under the laws of this State. No religious test or amount of property shall ever be required as a qualification for any voter at any election in this State, nor shall any person be rendered incompetent to give evidence in any court of law or equity in consequence of his opinion upon the subject of religion, and the mode of administering an oath or affirmation shall be such as shall be most consistent with and binding upon the conscience of the person to whom the oath or affirmation may be administered.

71] which was read and on motion referred to the Committee on Preamble and Bill or Rights.

Mr. Todd offered the following resolution relative to the Powers of the General Assembly:

Resolved, That the Committee on Legislation be instructed to inquire into the expediency of reporting the following as an amendment to the Constitution: The powers of the General Assembly shall be only such as are granted to it by this Convention.

which was read and on motion referred to the Committee on Legislative Department.

Mr. Todd offered the following resolution relative to crimes, criminal practice, jurors and juries:

Resolved, That the Committee on Legislative Department be instructed to inquire into the expediency of reporting as amendments to the Constitution the following:

Indictments and information for crimes and misdemeanors and their trials may be found and had in counties other than those in which they were committed. The State may have a change of venue in criminal cases for causes to be provided for by law. The laws should only define crimes. The jury trying any case of alleged crime should have the right to find its grade and measure of punishment. No person should serve as a juror in any case who cannot read and write the English language and speak it ordinarily well. It shall not be a lawful objection to a person for a juror in a criminal case that he has heard or read of the case to be tried or has an opinion relative to it formed upon such information, provided he will swear or affirm that he did not believe that

such information or opinion would prevent his rendering a fair and impartial verdict in the case according to the law and evidence under which the case should be submitted to the jury for which he is proposed. The General Assembly shall provide by law for the finding of verdicts in civil and criminal cases with less than unanimity of the jury and with juries of less number than twelve.

which was read and on motion referred to the Committee on Legislative Department.

Mr. Shields offered the following resolution:

Resolved, That the Committee on Legislative Department be instructed to inquire into the propriety of changing the Constitution so as to provide for biennial sessions of the General Assembly and prohibiting adjourned sessions and also to fix the annual salary for the members as compensation instead of per diem and mileage as now provided.

72] which was read and on motion referred to the Committee on Legislative Department.

Mr. Shields offered the following resolution:

WAR CLAIMS, WHEN TO BE PAID

Resolved, That the following provisions shall be incorporated in the proposed Constitution:

Section————. The General Assembly shall make no appropriation or pay any claim for services or supplies or any other thing growing out of the war and known as "War Claims" until the United States Government shall have allowed such claims and paid the money therefor into the treasury of the state.

which was read and on motion referred to the Committee on Miscellaneous Provisions.

Mr. Spaunhorst offered the following resolution:

Resolved, That one hundred copies of all propositions amending the Constitution be ordered printed upon being read and referred, and that the adoption of this resolution shall apply to all such propositions now in possession of the Secretary.

which was read.

Mr. Shields offered the following amendment:

Amend by striking out all after the word "Resolved" and insert "all resolutions and matters when reported favorably by the standing committees shall be printed for the use of the Convention and in all such cases not more than one hundred copies shall be printed unless otherwise ordered by the Convention."

which was read.

Mr. Shanklin moved to lay the resolution on the table, upon which Mr. Halliburton demanded the ayes and noes.

The motion to lay on the table was not agreed to by the following vote:

AYES

Allen	Dysart	Lay	Norton	Shackelford
Black	Edwards of Iron	Letcher	Pipkin	Shanklin
Boone	Eitzen	Massey	Ray	Wagner
Bradfield	Farris	Maxey	Roberts	Watkins
Carleton	Gantt	McAfee	Ross of Morgan	Mr. President 29
Cottey	Hale	McKee		
Crews				

NOES

Alexander	Edwards of St. Louis	Holliday	Nickerson	Shields
Chrisman	Fyan	Hyer	Priest	Spaunhorst
Conway	Gottschalk	Johnston	Rider	Switzler
Crockett	Halliburton	Lackland	Rippey	Taylor of Jasper
Davis	Hammond	Mabrey	Ross of Polk	Todd
Dryden	Hardin	McCabe	Rucker	Wallace 31
		Mortell		

SICK

73]

Broadhead	Brockmeyer	Mudd	3

ABSENT

Adams	McKillop	2

ABSENT WITH LEAVE

Pulitzer	Taylor of St. Louis	2

The question recurring on agreeing to the amendment offered by Mr. Shields, the amendment was agreed to.

The question recurring on the adoption of the resolution as amended, Mr. Letcher demanded the ayes and noes. The resolution as amended was adopted by the following vote:

AYES

Allen	Crockett	Fyan	Mabrey	Priest
Alexander	Dryden	Gantt	Maxey	Rider
Black	Edwards of Iron	Gottschalk	McCabe	Rippey
Carleton	Edwards of St. Louis	Hardin	Mortell	Roberts
Chrisman	Hyer	Johnston	Nickerson	Ross of Polk
Conway			Norton	

Rucker	Shields	Taylor	Todd	Watkins	34
Shackelford	Switzler	of Jasper			

NOES

Boone	Eitzen	Lackland	Pipkin	Spaunhorst	
Bradfield	Farris	Lay	Ray	Wagner	
Cottey	Hale	Letcher	Ross	Wallace	
Crews	Halliburton	Massey	of Morgan	Mr. President	
Davis	Hammond	McAfee	Shanklin		26
Dysart	Holliday	McKee			

SICK

Broadhead	Brockmeyer	Mudd	3

ABSENT WITH LEAVE

Pulitzer	Taylor of St. Louis	2

ABSENT

Adams	McKillop	2

Mr. Rider offered the following amendment to the rules of the Convention:

Resolved, That until further ordered the regular sessions of this Convention shall be from nine o'clock a. m. to 12 o'clock m.

which was read.

Mr. Spaunhorst offered the following amendment:

Amend by striking out "12 o'clock m."

which was read and accepted.

Mr. Boone moved to lay the resolution on the table, which was agreed to.

Mr. Edwards of St. Louis offered the following resolution:

Resolved, That the Committee on Printing be requested to have printed one hundred copies containing a full list of all standing committees and the names of the members of each of said committees for the use of the Convention.

which was read and adopted.

Mr. Gottschalk offered the following resolution:

Resolved, That the following proposition be inserted into the Constitution: That no charter or any law granting privileges or rights to any person or body corporate shall be deemed to be constructed as a

contract between the State and such person or body corporate but that such charter or any such law shall be deemed to be and be construed as a franchise or privilege granted by the State and subject to amendment, 74] alteration or appeal by the State.

which was read and on motion referred to the Committee on Banks and Corporations.

Mr. Dryden offered the following resolution:

Resolved, That the Committee on Revenue and Taxation are hereby instructed to inquire into the expediency of incorporating into the Constitution a provision in substance as follows: The right of redemption from all sales of real estate for the nonpayment of taxes or special assessments of any character whatever shall exist in favor of owners and persons interested in such real estate for a period of not less than two years from such sales thereof, and the General Assembly shall provide by law for reasonable notice to be given to owners or persons interested in such real estate by publication or otherwise of the fact of such sale and when the time of such redemption shall expire, provided that occupants shall in all cases before have personal notice of the time when such redemption expires.

which was read and on motion referred to the Committee on Revenue and Taxation.

Mr. Conway offered the following resolution:

Resolved, That the reverend clergymen resident in this city be and they are hereby respectfully invited to open the morning session of this Convention with prayer and that said clergymen are requested to arrange among themselves the order in which they may comply with this invitation, *provided*, that this request is understood as in no way or degree pledging this Convention to compensate such clergymen for such services.

Resolved, That the Secretary be directed to give notice of this request in the morning papers of this city.

which was read and on motion of Mr. Priest adopted.

Mr. McAfee offered the following resolution:

Resolved, That on and after Saturday next it shall not be in order to offer for reference any resolution or proposition for changing or amending the Constitution or for purpose of inquiring into the expediency of making such changes or amendments. But that on and after that date members may hand to the chairmen of committees their individual suggestions which shall be laid before and considered by such committee with like effect as if introduced and referred. *Provided*, that this resolution shall not be construed to apply to or in any way effect proceedings in Committee of the Whole.

which was read and not adopted.

Mr. Halliburton offered the following resolution:

Resolved, That the Committee on Representation be and it is hereby 75] requested to inquire into the expediency and propriety of incorporating the following provision in the Constitution as the basis of representation in the lower branch of the General Assembly:

The House of Representatives shall consist of members to be chosen every second year by the qualified electors of the several counties apportioned in the following manner, to wit: The ratio of Representation shall be ascertained by each apportioning session of the Legislature by dividing the whole number of permanent inhabitants of the State by the number of two hundred. Each county having said ratio or less shall be entitled to one Representative, each county having two and one-half times said ratio shall be entitled to two Representatives, each county having five times said ration shall be entitled to three Representatives, each county having six times said ratio shall be entitled to four Representatives and so on above that number, giving one additional member for every three additional ratios. When any county shall be entitled to more than one Representative the county court shall cause such county to be subdivided into as many compact and convenient districts as such county may be entitled to Representatives, which districts shall be as near as may be of equal population and the qualified voters of each of such districts shall elect one Representative who shall be a resident of such district.

which was read, rules suspended, considered, read the second time and referred to the Committee on Representation, Representative and Senatorial Districts.

Mr. Hale offered the following resolution:

Resolved, That it is the sense of this Convention that each county in this State with a population of five thousand and upwards is and shall be entitled to at least one Representative in the most numerous branch of the General Assembly, the population to be ascertained by an enumeration of the inhabitants to be made under authority of the State, and that the Committee on Representation and Legislative Districts be and is hereby instructed to report a provision to be inserted in the Constitution to that effect and for carrying said provision into effect by appropriate legislation. *Provided*, that the reference of this resolution is not to be considered as the adoption by the Convention of the principles stated in said resolution.

which was read and on motion the Convention referred it to the Committee on Representation, Representative and Senatorial Districts.

Mr. Mortell offered the following amendment to the rules of the Convention:

Resolved, That so much of rule eighteen requiring members to read propositions from their desks be and is hereby rescinded.

which was read and laid over under the rules.

Mr. Johnston of Nodaway offered the following resolution:

Resolved, That the Committee on Boundaries and Political Subdivisions be instructed to take into consideration the propriety of incor-
76] porating in their report the following provisions, to wit: That no county in this State shall for the purpose of creating a new county be reduced in its territorial limits to less then five hundred square miles nor shall a county be divided for the purpose of creating a new county so that the boundary line thereof shall pass within less than ten miles of the county seat of the county so divided nor shall any new county be created or organized in this State out of territory taken from other counties of less territorial limits than four hundred square miles nor having less population at the time of its organization than eight thousand inhabitants.

which was read and on motion referred to the Committee on Boundaries and Political Subdivisions.

Mr. Maxey offered the following resolution:

Resolved, That the Committee on Representation, Representative and Senatorial Districts be requested to inquire into the expediency of adopting in substance the first, second, third, fourth, fifth and sixth Sections of Article IV of the present Constitution of this State and particularly that portion of Section two that entitles each county in this State to at least one Representative.

which was read and on motion referred to the Committee on Representation, Representative and Senatorial Districts.

Mr. Wallace offered the following resolution:

Resolved, That the Committee on Miscellaneous Provisions of the Constitution be requested to consider the expediency of reporting amendments to the Constitution which shall prohibit the State or any county, township, city, town or other municipal corporation from loaning their credit to and from subscribing for or taking any stock in and from making any donations to any railroad company or association or to any private corporation whatever.

which was read and on motion referred to the Committee on Miscellaneous Provisions of the Constitution.

Mr. Dysart offered the following resolution:

Resolved, That the Committee on Representation, Representative and Senatorial Districts be instructed to consider the propriety of incorporating into the Constitution provisions limiting the number of Senators in the General Assembly to twenty and the number of Repre-

sentatives to sixty, also to consider the propriety of dividing the State electoral districts with a view to such representation.

which was read and on motion referred to the Committee on Representation, Representative and Senatorial Districts.

On motion of Mr. Priest the Convention adjourned until tomorrow, 9 o'clock a. m.

77] WEDNESDAY, MAY 12, 1875

MORNING SESSION

The Convention met pursuant to adjournment, the President in the chair.

Prayer by the reverend Mr. Keady.

The journal of yesterday was read and approved.

Mr. Pulitzer offered the following resolution:

Resolved, That the regular standing committee consisting of nine members to be called "Committee on Federal Relations" be appointed by the President to take into most careful consideration the relations of the State with the Federal Government and all propositions exclusively concerning the same.

which was read.

Mr. McAfee offered the following amendment:

Amend by striking out "nine" and insert "one from each congressional district."

which was read and agreed to.

The resolution as amended was adopted.

Mr. Switzler from the Committee on Shorthand Reporter submitted the following report:

The Committee to which was referred the proposition of Walbridge, Holland and Brown, shorthand reporters, to report the proceedings and debates of the Convention, unanimously instruct me to say to the Convention they have carefully considered the same and are in favor of its adoption. The proposition of Walbridge, Holland and Brown is as follows:

Gentlemen of the Convention:

We propose to make a verbatim report of the proceedings of the Convention on the following terms: For taking the shorthand notes of the proceedings, ten dollars per day. For transcribing the shorthand notes

and preparing the same for publication, twenty cents per hundred words or thirty cents per legalcap page. A full report of each day's proceedings will average two hundred legalcap pages. Estimating the session at fifty days this would make ten thousand legalcap pages so that the cost of the transcript would not be far from $3,000. Should it be deemed advisable we can defer writing out the shorthand notes except such portions as may be important for immediate publication in the newspapers until the Constitution shall have been submitted to a vote of the people. In case of its adoption we can then transcribe the notes in full for publication in book form. Should such action be considered desirable, the expense of reporting would be but ten dollars per day, provided the notes were not written over for publication.

Respectfully,

Walbridge, Holland and Brown.

78] Two distinct propositions are made in this communication, one to take in shorthand notes a verbatim report of the proceedings and debates of the Convention. The other when required in whole or in part for publication in newspapers or in book form to transcribe them in fairly written legible printer's copy at twenty cents per hundred words or thirty cents per legalcap page. It is also agreed and understood between the Committee and the reporters that if any portion of the proceedings and debates are transcribed by them previous to the official publication for publication in any newspaper, no charge is to be made against the State under this contract for furnishing a transcript of the portions thus prepared. Also, that no responses from any of the departments of the State Government or from other sources to resolutions of inquiry of the Convention, letters, petitions, memorials or remonstrances or other matter, copies of which are printed by order of the Convention, shall be included in the charge of the reporters for transcript. As none of these need be reported in shorthand, copies of them if published shall be furnished by them without charge. The Committee unanimously recommend the adoption of the following resolution:

Resolved, That the proposition of Walbridge, Holland and Brown, shorthand reporters, as set forth and explained in this report to take in shorthand, verbatim reports of the proceedings and debates of the Convention and to transcribe them when ordered to be printed by this body or by the Legislature, be and the same are hereby accepted.

Gentlemen of the Convention:

We propose to make a verbatim report of the proceedings of the Convention on the following terms: For taking the shorthand notes of the proceedings, ten dollars per day. For transcribing the shorthand notes and preparing the same for publication twenty cents per one hundred words or thirty cents per legalcap page. A full report of each day's proceedings will average two hundred legalcap pages. Estimating the session at fifty days this would make ten thousand legalcap pages so that the cost of the transcript would not be far from $3,000.00. Should it be deemed advisable we can defer writing out the shorthand notes ex-

cept such portions as may be important for immediate publication in the newspapers until the Constitution shall have been submitted to a vote of the people. In case of its adoption we can then transcribe the notes in full for publication in book form should such action be con-
79] sidered desirable. The expense of reporting would be but ten dollars per day provided the notes are not written out for publication.

Respectfully,

Walbridge, Holland and Brown.

which was read.

The question being upon the adoption of the report, Messrs. Massey and Hyer demanded the ayes and noes.

Mr. Wagner moved the previous question, which motion was sustained.

The resolution was adopted by the following vote:

AYES

Adams	Crockett	Hale	Nickerson	Shackelford
Allen	Davis	Halliburton	Norton	Shanklin
Alexander	Dysart	Hammond	Pipkin	Shields
Black	Edwards	Hardin	Pulitzer	Switzler
Boone	of Iron	Johnston	Rider	Taylor
Bradfield	Edwards	Lay	Rippey	of Jasper
Brockmeyer	of St. Louis	Letcher	Roberts	Todd
Carleton	Eitzen	Maxey	Ross	Wagner
Chrisman	Farris	McAfee	of Morgan	Wallace
Conway	Fyan	McCabe	Ross	Watkins
Cottey	Gantt	McKee	of Polk	Mr. President
Crews	Gottschalk	Mortell	Rucker	54

NOES

Holliday	Lackland	Massey	Priest	Spaunhorst	6
Hyer					

ABSENT

Broadhead	Mabrey	McKillop	Ray	4

ABSENT WITH LEAVE

Dryden	Mudd	Taylor of St. Louis	3

Mr. Switzler moved to reconsider that vote by which the resolution passed and to lay his motion to reconsider on the table, which was agreed to.

Mr. Edwards of St. Louis offered the following resolution:

Resolved, That a committee be added to the standing committees of the Convention to be known as the Committee of the St. Louis Delega-

tion to consist of the members from St. Louis county whose duties it shall be to take into consideration what if any special provisions are necessary in the organic law to secure the interest of local government in the city and county of St. Louis.

which was read.

Mr. Letcher asked leave of absence for Mr. Dryden, which was granted.

Mr. Shields offered the following amendment to the resolution offered by Mr. Edwards of St. Louis:

Resolved, That there be added to the standing committees a committee composed of the St. Louis members which shall elect its own chairman and be known as the Committee on St. Louis Affairs which shall take into consideration all matters that may be introduced into this Convention which have specific reference to the organization and government of the county and city of St. Louis and none other.

which was read and agreed to.

80] The question then recurring upon the adoption of the original resolution as amended, the same was adopted.

Mr. Boone offered the following resolution:

Resolved, That the Committee on Judiciary is instructed to inquire into the expediency of amendments to the Constitution substantially as follows:

1. The judicial powers of the State shall be vested in a Supreme Court, in circuit courts and such inferior tribunals as the General Assembly may from time to time establish.

2. The Supreme Court shall consist of three judges any two of whom shall be a quorum and the said judges shall be conservators of the peace throughout the State.

3. The Supreme Court, except in cases otherwise directed by this Constitution, shall have appellate jurisdiction in civil actions only when the amount in controversy exceeds the sum of five hundred dollars.

4. The Governor shall nominate and by and with the advice and consent of the Senate appoint the judges of the Supreme and circuit courts each of whom shall hold his office during good behavior, *provided*, no such judge shall be competent to fill such office who has not attained to the age of thirty-five or who is above the age of seventy-five.

which was read and referred to Committee on Judicial Department.

Mr. Boone offered the following resolution:

Resolved, That the Committee on Education is instructed to inquire into the expediency of so amending the Constitution as to require:

1. That in case the public school fund shall be insufficient to sustain a free school four months in every year in each school district in this

State, the General Assembly shall provide by law for raising of such deficiency by levying a State tax on all taxable property in this State.

2. The General Assembly shall have power to require by law that every child of sufficient mental and physical ability shall attend the public schools during the period between the ages of eight and sixteen years at least three months during each year unless educated by other means.

3. That the public school fund shall be invested in the bonds of this State.

which was read and referred to the Committee on Education.

Mr. Todd offered the following resolution:

Resolved, That the Committee on Education be instructed to in-
81] quire into the expediency of reporting the following as amendments to the Constitution:

All moneys for educational purposes shall be exclusively devoted to the support of free public schools and the State University with its present departments. That the only knowledge that shall be taught in the public schools at the expense of the State shall be that of reading, writing and spelling the English language; of grammar, arithmetic, geography and the history of the United States; that for exercises in and of reading such books should be used, so far as obtainable and under the selection of the Board of Education, as will, in the simplest and most attractive manner, teach the habits of health and thrift.

That all persons instructed in teaching in the State University shall be obliged when they leave the University to teach in some of the public schools when and where the Superintendent of Public Schools shall direct, for at least two public school years at the usual salary for such services.

That the General Assembly shall enforce the foregoing propositions by appropriate legislation.

which was read and on motion referred to the Committee on Education.

Mr. Carleton offered the following resolution:

ELECTION OF STATE, COUNTY AND TOWNSHIP OFFICERS

Resolved, That the Committee on Elections take into consideration the expediency of incorporating into the Constitution a provision substantially and in effect as follows: All elections for State officers, judges of the circuit court and probate courts, all county officers made elective by the laws of the State, circuit and prosecuting attorney, justice of the peace, constable and all other township officers, shall be held on the same day throughout the State and that all such elections shall be by ballot and continue for one day only.

which was read and on motion referred to the Committee on Elections and Electors.

Mr. Davis offered the following resolution:

Resolved, That the Committee on Education take into consideration the expediency of reporting the following amendments:

1. The General Assembly shall provide for the maintenance and support of a thorough and efficient system of public schools wherein all the children of the State above the age of six years may be educated.

2. No money raised for the support of the public schools of the State shall be appropriated to or used for the support of any sectarian school or any school not supported by taxation.

3. The General Assembly shall provide for the efficient mainte-
82] nance of the normal schools of this State and to this end shall make ample appropriations for their support, which appropriations shall be annually divided among said schools fairly and impartially.

which was read and on motion referred to the Committee on Education.

Mr. Nickerson offered the following resolution:

TO SEPARATE THE TRIAL OF CRIMINAL FROM CIVIL CASES

Resolved, That the Committee on Judiciary be instructed to inquire into the expediency of inserting a provision in the Constitution substantially as follows: In all counties containing a population of 20,000 inhabitants separate terms of circuit court shall be held for the trial of criminal cases.

which was read and on motion referred to the Committee on Boundaries and Political Subdivisions.

Mr. Cottey offered the following resolution:

Resolved, That the Committee on Printing and Binding be instructed to inquire into the propriety of having the shorthand reports of Messrs. Walbridge, Holland and Brown, written out and published daily in a manner suitable to be bound in book form and that each member be furnished each day with ———number of copies.

Secondly, That the Committee ascertain the least possible cost of transcribing and publishing the same per hundred copies.

which was read and on motion referred to the Committee on Printing and Binding.

Mr. Norton offered the following resolution:

Resolved, That the Committee on Legislative Department be requested to inquire into the expediency of providing in the Constitution that the system of county governments shall be uniform throughout the State.

which was read and on motion referred to the Committee on Legislative Department.

Mr. Brockmeyer offered the following resolution:

A Resolution of instruction to the Committee on Education: Be it resolved by this Convention, That the Committee on Education be and it is hereby instructed to inquire what if any provision can be made in the revised Constitution to protect the local school funds from further wants or misapplication.

which was read and on motion referred to the Committee on Education.

Mr. Hardin offered the following resolution:

83] Resolved, That the Committee on Executive Department is hereby instructed to inquire into the expediency of so amending the Constitution as to require the vote of two-thirds of all the members elected to the General Assembly to pass a bill over the veto of the Governor.

which was read and on motion referred to the Committee on Executive Department.

Mr. Shanklin offered the following resolution:

Resolved, That the Committee on Preamble and Bill of Rights be requested to inquire into the propriety of adopting a provision in the Bill of Rights substantially as follows: No special privileges or immunities shall ever be granted that may not be altered, revoked or repealed by the General Assembly.

which was read and on motion referred to Committee on Preamble and Bill of Rights.

Mr. Shanklin offered the following resolution:

Resolved, That the Committee on Judicial Department be requested to inquire into the expediency of providing in the Constitution for a system of probate courts which shall be uniform throughout the State.

which was read and on motion referred to the Committee on Judicial Department.

Mr. Eitzen offered the following resolution:

Resolved, That no homestead in the county shall include more than eighty acres of land or exceed the total value of one thousand dollars and that in cities no homestead shall exceed the total value of fifteen hundred dollars.

which was read and on motion referred to the Committee on Miscellaneous Provisions.

Mr. Lay offered the following resolution:

Resolved, That the Committee on Miscellaneous Provisions inquire into the propriety of amending Section eight of the Miscellaneous Pro-

visions of the Constitution of this State so that it shall read in substance as follows:

Section 8. In the absence of any contrary provision all officers now or hereafter elected or appointed shall hold office during their official term and until their successors shall be duly elected or appointed and qualified. *Provided, however*, any person may resign any office by him held and after tendering his resignation he shall not be allowed thereafter to enjoy any of the emoluments nor be compelled to discharge any of the duties of such office.

which was read and referred to the Committee on Miscellaneous Provisions.

Mr. Lay offered the following resolution:

84] Resolved, That the Committee on Representation and Representative and Senatorial Districts inquire as to the propriety of providing such laws of representation in the Constitution to be formed by this Convention as will insure to each county in this State as at present constituted and without regard to population, at least one Representative in the lower branch of the General Assembly.

which was read and on motion referred to the Committee on Representation, Representative and Senatorial Districts.

Mr. McCabe offered the following resolution:

Resolved, That the Committee on Miscellaneous Provisions of the Constitution be instructed to inquire into the propriety of reporting a provision in the Constitution, in substance as follows, making it the duty of the General Assembly to pass such laws as may be necessary for the protection of operative miners by providing for ventilation when the same may be requested, in the construction of escapement shafts or such other appliances or contrivances as may secure safety in all coal, lead, and other mines and to provide for the enforcement of said laws by such pains, penalties and punishments as may be deemed proper.

which was read and on motion referred to the Committee on Miscellaneous Provisions.

Mr. Hale offered the following resolution:

Resolved, That the Committee on Representative and Senatorial Districts be instructed to inquire into the expediency of so fixing the basis of representation as to give each county in the State having a population of five thousand and upwards, to be ascertained by a census to be taken under authority of the State, at least one Representative in the most numerous branch of the General Assembly.

which was read and on motion referred to the Committee on Representation, Representative and Senatorial Districts.

Mr. Hale offered the following resolution:

Resolved, That the Committee on Education be instructed to inquire into the expediency of inserting a provision in the Constitution requiring the schools for the education of the white and colored children of the State to be at all times kept separate.

which was read and referred to the Committee on Education.

Mr. Shields offered the following resolution:

SALE OF RAILROADS' CLAIM FOR DAMAGES

Resolved, That the following provisions be incorporated into the
85] proposed new Constitution:

Section——. That the sale of the railroads under the ordinances of the State Convention of 1865, and the laws of the State passed in pursuance thereof, shall never be disturbed or interfered with by the General Assembly nor shall the General Assembly ever allow any claim for loss or damages growing out of the seizure and sale of said railroads by the State nor appropriate any money to pay such claim.

which was read and on motion referred to the Committee on Miscellaneous Provisions.

Mr. Pulitzer offered the following resolution:

Resolved, That the Committee on St. Louis Affairs be instructed to report upon the expediency of a provision in the Constitution substantially as follows: The fees, salaries, perquisites or emoluments of no officer in the State, be it city, county, municipal or State office, shall exceed the sum of ten thousand dollars per annum. All parts of law under which such profits or income of an office exceed said amount shall be null and void and the next Legislature shall conform to the provision of the existing laws to the above provision.

which was read and on motion referred to the Committee on Miscellaneous Provisions.

Mr. Gottschalk offered the following resolution:

Resolved, That the following or some other similar proposition be inserted into the Constitution: The General Assembly shall provide by law for a just compensation of all officers or employes whose office or employments may have been or may hereafter be created by law, either by salary or fees or both, which shall not be increased or diminished during the official term of such officers or employes nor after his election or appointment, and in case such officer or employe shall be entitled to receive fees, such law shall provide the amount of such fees which such officer or employe shall be entitled to retain for his own use after the payment of the necessary assistants or deputies and other expenses of his office and the surplus of fees over such amount shall be paid by State officers into the State treasury, and if by county or municipal officers or

employes into their respective county or municipal treasuries, and the same rule of action in the appointment or providing for the election of county or municipal officers shall govern the respective authorities. Each State officer raising fees shall report to the State Auditor and each county or municipal officer to his respective county or municipality the amount of fees received in his office. Such report shall be under oath and 86] be made semiannually and shall fully state the amounts received as fees, from what source the expenses had and for what increased, the number and compensation of the assistants or deputies of such officers, which number and compensation as well as the payment of expenses shall also be regulated by the respective authorities. Any failure to make such report when due or any false report shall subject such officer to removal from office and shall be deemed a misdemeanor.

which was read and on motion referred to the Committee on Miscellaneous Provisions.

Mr. Spaunhorst offered the following resolution:

Resolved, That the Committee on Legislation be and is hereby requested to inquire into the expediency of reporting a provision in the Constitution by which it is provided that no person holding any office by election, appointment or otherwise shall be eligible to a seat in the General Assembly, excepting only notaries public, and that no person shall hold two positions elective or appointed at the same time, such to apply to State, county and municipality.

which was read and on motion referred to the Committee on Legislative Department.

Mr. Cottey offered the following resolution:

Resolved, That the Committee on Executive and Ministerial Officers of County and Municipal Government be instructed to inquire into the propriety of incorporating into the Constitution a section substantially as follows: The compensation of all county officers with the amount of their necessary clerk hire, stationery, fuel and other expenses, and in all cases when fees are provided for, shall be paid only out of and shall in no instance exceed the fees actually collected. No county officer shall be allowed more per annum than $1,500 in counties containing 20,000 and not exceeding 30,000 inhabitants; $2,500 in counties containing 30,000 and not exceeding 50,000 inhabitants; $3,000 in counties containing 50,000 and not exceeding 70,000 inhabitants; $3,500 in counties containing 70,000 and not exceeding 100,000 inhabitants, and $4,000 in counties containing over 100,000 and not exceeding 250,000 inhabitants; and not more than $1,000 additional compensation for each additional 100,000 inhabitants. *Provided*, that the compensation of no officer shall be increased or diminished during his term of office. All fees or allowances by them received in excess of their said compensation shall be paid into the county treasury.

87] which was read and on motion referred to the Committee on Executive and Ministerial Officers of County and Municipal Government.

Mr. Cottey offered the following resolution:

Resolved, That a committee of seven be appointed to be styled the Committee on Township Organization who shall report what changes or amendments are necessary to the Constitution for the government of those counties which are or may hereafter be under township organization.

which was read and not adopted.

Mr. Shanklin offered the following resolution:

Resolved, That the Committee on Legislative Department be requested to inquire into the expediency of providing a provision in the Constitution substantially as follows: No act of the General Assembly shall take effect until the first day of July next after its passage unless in case of emergency (which emergency shall be expressed in the preamble or body of the act) the General Assembly shall by a vote of two-thirds of all the members elected to each house otherwise direct.

which was read and on motion referred to the Committee on Legislative Department.

Mr. Shanklin offered the following resolution:

Resolved, That the Committee on Legislative Department be requested to inquire into the expediency of restoring to the Constitution a provision substantially as follows: No person who now is or who hereafter may be a collector or holder of public money, nor any assistant or deputy of a collector or holder of public money, shall be eligible to either house of the General Assembly nor to any office of profit or trust until he shall have accounted for and paid all sums for which he may be accountable.

which was read and on motion referred to the Committee on Legislative Department.

Mr. Boone asked leave of absence for Mr. Ross of Morgan which was granted.

Mr. Pulitzer offered the following resolution:

Resolved, That the Committee on Boundaries and Political Subdivisions be instructed to report upon the expediency of permitting all municipalities containing a population of an hundred thousand and more to have less than the area of territory at present prescribed in forming a county of the State.

which was read and on motion referred to the Committee on Boundaries and Political Subdivisions of the State.

Mr. Mackey offered the following resolution:

Resolved, That the Committee on Judicial Department inquire into the expediency of amending the Constitution so as to provide for dividing the State into eighteen judicial circuits and to reduce the number of circuit judges from twenty-nine to eighteen and to establish the office of circuit attorney, the circuit attorney to possess the same qualifications 88] and to receive the same salary as circuit judge.

which was read and on motion referred to the Committee on Judicial Department.

Mr. Mortell called up his amendment to Rule 18 offered on yesterday, which was not adopted.

Mr. Todd offered the following resolution:

Resolved, That the Committee on Miscellaneous Provisions be instructed to inquire into the expediency of reporting the following as an amendment to the Constitution: No officer of any kind elected shall have or enjoy a longer term of office than that of his office existing at the time of his election.

which was read and referred to the Committee on Miscellaneous Provisions.

Mr. Wallace offered the following resolution:

Resolved, That there be added to the Committee on Miscellaneous Provisions two additional members to be appointed by the President so as to make such committee consist of nine members.

which was read and adopted.

On motion of Mr. Lay, the Convention adjourned until tomorrow at 9 o'clock a. m.

THURSDAY, MAY 13, 1875

MORNING SESSION

The Convention met pursuant to adjournment, the President in the chair.

Prayer by the Rev. Mr. Barrett.

On motion of Mr. Norton the reading of yesterday's journal was dispensed with.

Mr. Gantt, from the Committee on Preamble to the Constitution and Bill of Rights, submitted the following report:

We, the people of the State of Missouri, without [with] profound reverence for the Supreme Ruler of the Universe and grateful for his goodness, do for the better government of the State, establish this Constitution. In order to assert our rights, acknowledge our duties, and proclaim the principles on which our government is founded we declare:

1. That all political power is vested in the people of the State 89] with those limitations only which are imposed on them by the Constitution of the United States and that the government hereby established is clothed with that portion of the political power thus inherent in the people which is defined, ascertained and committed to some department thereof by this instrument.

2. That the power not thus defined, ascertained and committed to some one of the departments of the government hereby established are reserved to the people and constitute that mass of governmental powers, the presence or absence of which distinguishes arbitrary from limited governments.

3. That all constitutional government is intended to promote the general welfare of the people; that all persons have a natural right to life, liberty and the enjoyment of the gains of their own industry; that to give security to these things is the principal office of government, and that when government does not confer this security, it fails of its chief design.

4. That the people of this State have, now and always, the inherent exclusive and inalienable right, subject to the limitations before mentioned, of regulating after and amending their State Government whenever and in such manner as to them shall seem expedient.

5. That religious belief is a matter beyond the sphere of the government proposed by this Constitution; that no one can be questioned in respect of his religious opinions by any instrumentality of this government, or for any purpose connected with its administration, but that acts of immorality, licentiousness, or conduct inconsistent with the good order, peace or safety of society, may be rightfully presented and punished notwithstanding that the persons guilty of such acts or conduct may proffer and allege in excuse or justification thereof, that they are committed in obedience to the dictates of conscience.

6. That no person can be compelled to erect, support or attend any place or system of worship, or to maintain or support any priest, preacher, minister or teacher of any sect, church creed or denomination of religion; but that if any person shall voluntarily make a contract for any such object he shall be held to the performance of the same.

7. That no money shall ever be taken from the public treasury, directly or indirectly, in aid of any church, sect or denomination of religion, or in aid of any priest, preacher, minister or teacher thereof as such; and that no preference shall be given to or any discrimination made

against any church, sect, denomination or creed of religion or any form of religion, faith or worship.

8. That every gift, sale or devise of land to any priest, minister, public teacher or preacher of the gospel as such or to any religious sect, 90] order or denomination or to or for the support, use or benefit of or in trust for any minister, public teacher or preacher of the gospel as such, or any religious order, sect or denomination; and every gift or sale of goods or chattels, to go in succession or to take effect after the death of the donor or seller to or for such use, support or benefit; and also every devise of goods or chattels to or for the support of any minister, public teacher, priest or preacher of the Gospel as such, or any religious sect, order or denomination, shall be void: except always a gift, sale or devise of so much land as may be required for a house of public worship, a chapel, a parsonage and a burial ground to be held for those purposes only, the quantity of land so held by any congregation, church or religious society not to exceed five acres in the country or one acre in a town or city.

9. That all elections ought to be free and open.

10. That courts of justice shall be open to every person and certain remedy afforded for every injury to person, property or character. That right and justice should be administered without sale, denial or delay and that the existence of a wrong for which the law affords no redress is a scandal to government.

11. That all persons shall be secure in their persons, papers, houses, and effects, from arbitrary searches and seizures; that no warrant shall issue to search any place or seize any person or thing except on probable cause, shown by oath or affirmation, and in every case whenever such probable cause is so shown, the warrant, by virtue of which alone it shall be lawful to make such search or seizure, shall describe the place to be searched or the person or thing to be seized, as nearly as may be.

12. That no person shall for an indictable offense be proceeded against criminally by information except in cases arising in the land or naval forces or in the militia in time of war or public danger or by leave of court for oppression or malfeasance in office.

13. That no conviction shall work corruption of blood nor forfeiture of the estate of the offender, except so much thereof as may be necessary to pay a fine imposed by law and the costs of prosecution and that the estate of those dying by suicide shall descend or vest as if they had died from disease.

14. That no law be passed impairing the freedom of speech; that every person shall be free to say, write or publish whatever he will on any 91] subject, being responsible for all abuse of that liberty; and that in all suits and prosecutions for libel, the truth thereof may be given in evidence and the jury under the direction of the court, shall determine the law and the fact.

15. That no act retrospective in its operation shall be passed by the General Assembly.

16. That imprisonment for debt shall not be allowed except for non-payment of fines and penalties imposed for violation of law, or when a debtor refuses to deliver up his estate for the benefit of creditors, in

such manner as shall be prescribed by law, or when there is strong presumption of fraud.

17. That all property in the State except such as belongs to the United States, the State of Missouri, to counties, cities or municipal subdivisions, or municipal corporations within this State, or such as is held exclusively for the interment of the bodies of deceased persons, shall be taxed in proportion to its value for all purposes for which other property, similarly situated, is taxable and the General Assembly shall have no power to exempt from taxation of any kind, whether State or municipal purposes, the property of any particular owner or class of owners.

18. That the dwelling house of each citizen shall be sacred from invasion or entry by all persons except officers of justice in the execution of a warrant as described in Section eleven of this article, or in fresh pursuit on view of a fugitive from arrest; and that the right of no citizen to keep and bear arms in defense of his home, person and property when lawfully threatened or in aid of the civil power when thereto legally summoned shall be called in question; but nothing herein contained is intended to justify the practice of wearing concealed weapons.

19. That no person elected or appointed to any office or employment of trust or profit under the laws of Missouri or any ordinance of any municipality in this State shall hold such office without personally performing the duties to the same belonging.

20. That no person who is now or may hereafter become a collector or receiver of public money or assistant or deputy of such receiver or collector, shall be eligible to any office of trust or profit in the State of Missouri under the laws thereof or under any municipality therein until he shall have accounted for and paid over all the public money for which he may be accountable.

21. No person who shall hereafter be guilty of embezzling any 92] money belonging to whomsoever or of appropriating to his own use any money received by him in trust or confidence from another, as distinguished from a debt arising out of the casualties of ordinary trade and business, shall be eligible to any office of trust or profit under the laws of this State or the ordinance of any municipality therein until he shall have paid and made good any such defalcation.

22. That no private property can be taken for private use with or without compensation, unless by consent of the owner, and that whenever an attempt is made to take private property for use alleged to be public, the question whether the contemplated use be really public shall be a judicial question, and as such judicially determined without regard to any legislative assertion that the use is public.

23. That whenever private property is taken or damaged for public use, just compensation shall be made to the owner thereof and the measure of such compensation shall be the fair price or value in money of the property taken for, or a sum sufficient to balance the injury done thereto by the public use without any deduction from such price, value or compensation by reason of any real or alleged benefit to the same or other property of the owner by the proposed public use. In all cases, the owner

of the property taken or injured may require that compensation be assessed by a jury and until the compensation awarded shall be paid to the owner or into court for the use of the owner, the proprietary rights of the owner shall not be divested.

24. In all criminal prosecutions the accused shall have the right to appear and defend in person and by counsel, to demand the nature and cause of the accusation and to have a copy thereof, to meet the witnesses against him face to face, to have process to compel the attendance of witnesses in his behalf, and a speedy trial by an impartial jury of the county.

25. That no person shall be compelled to testify against himself in a criminal cause nor shall any person after being once acquitted by a jury be again, for the same offense, put in jeopardy of life or liberty; but if the jury to which the question of his guilt or innocence is submitted, fail to render a verdict, the court before which the trial is had may in its discretion, discharge the jury and commit or bail the prisoner for trial at the next term of court, or if the state of business will permit at the same term and if judgment be arrested after verdict of guilty on a defective indictment, or if judgment on a verdict of guilty be reversed 93] for error in law, nothing herein contained shall prevent a new trial of the prisoner on a proper indictment, or according to correct principles of law.

26. That all persons shall be bailable by sufficient sureties except in capital cases when the presumption of guilt is great.

27. That bail more than sufficient to secure the appearance of the accused for trial shall not be required nor shall excessive fines be imposed, nor cruel and unusual punishment be inflicted.

28. That the privilege of the writ of *habeas corpus* shall never be suspended.

29. That the military shall always be in strict subordination to the civil power; that no soldier shall, in time of peace, be quartered in any house without the consent of the owner, nor in time of war except in the manner prescribed by law.

30. That the limitations imposed on the State of Missouri in common with her sister states by the Federal Constitution are cheerfully acquiesced in and so far as it is possible or becoming for the State of Missouri to enact as part of her organic law provisions which are already and by an authority superior to her own, part of the supreme law of the land, are hereby declared to be incorporated into this Constitution.

On motion of Mr. Gantt the further reading of the report was dispensed with.

Mr. Cottey offered the following amendment:

Resolved, That all of Section seventeen be stricken out and the same referred to the Committee on Revenue and Taxation. Said section is in words following, to-wit: "That all property in the State except such as belongs to the United States, the States of Missouri, to counties, cities or municipal subdivisions or municipal corporations within this

State or such as is held exclusively for the interment of the bodies of deceased persons shall be taxed in proportion to its value for all purposes for which other property similarly situated is taxable and the General Assembly shall have no power to exempt from taxation of any kind whatever for State or municipal purposes the property of any particular owner or class of owners."

which was read.

Mr. Shields offered the following resolution:

Resolved, That the report of the Committee on Preamble and Bill of Rights and the amendment be made special order for next Wednesday at 10 o'clock a. m. to be considered in the Committee of the Whole.

94] which was read.

Mr. Gottschalk demanded a division of the question, which was agreed to.

The question then being upon the consideration of the report of Committee on Preamble and Bill of Rights in the Committee of the Whole, it was agreed to.

On motion of Mr. Switzler, the further consideration of the report of the Committee on Preamble and Bill or Rights was postponed and made the special order for Tuesday, May 18th, at 10 o'clock a. m. and one hundred copies ordered printed.

Mr. Gottschalk offered the following resolution:

Resolved, That the following or some other similar provision be made part of the proposed Constitution: The General Assembly shall have no power to pass any law or to authorize any county or municipal corporation to make any rule or ordinance by which the sale or traffic in vinous, spirituous or malt liquors shall be prohibited, but the General Assembly may order or authorize a reasonable license to be assessed on such traffic and may further regulate the same by appropriate legislation.

which was read and on motion referred to the Committee on Legislative Department.

Mr. Pulitzer offered the following resolution:

Resolved, That the Committee on Representation, Representative and Senatorial Districts be requested to consider into the expediency of reporting in lieu of the last clause of Section two Article IV of the present Constitution, a provision substantially as follows: When any county is entitled to more than one Representative all such Representatives shall be elected in the county at large and not in special districts or subdivisions.

which was read and on motion referred to the Committee on Representation, Representative and Senatorial Districts.

Mr. Boone offered the following resolution:

Resolved, That the Committee on Education be and is hereby instructed to inquire into the expediency of adopting an amendment to the Constitution substantially as follows:

1. The General Assembly shall establish and maintain a State institution to be known as the Reform School for the Correction and Instruction of Minors who shall be convicted of any felonious offense.

2. No person under the age of twenty-one years shall on any account be punished with death or by confinement in the State Prison.

95] 3. Any person under the age of twenty-one years who shall have been convicted of any felony, shall be confined in said Reform School for such time as the jury or court trying the cause shall determine.

4. The General Assembly shall have power to prescribe rules and regulations for the government of said institution.

which was read and on motion referred to the Committee on Education.

Mr. Fyan offered the following resolution:

Resolved, That the Committee on Miscellaneous Provisions be instructed to take into consideration the propriety of inserting provisions in the Constitution substantially as follows: Section 1. Senators and Representatives and all judicial, State and county officers shall before entering on the duties of their respective offices take and subscribe the following oath or affirmation: "I do solemnly swear (or affirm) that I will support, obey and defend the Constitution of the United States and the Constitution of the State of Missouri, and that I will discharge the duties of my office with fidelity; that I have not paid or contributed or promised to pay or contribute, either directly or indirectly, any money or other valuable thing to procure my nomination or election or appointment except for necessary and proper expenses expressly authorized by law; that I have not knowingly violated any election law of this State or procured it to be done by others in my behalf; that I will not knowingly receive, directly or indirectly, any money or other valuable thing for the performance or non-performance of any act or duty pertaining to my office other than the compensation allowed by law."

Section 2. The foregoing oath shall be administered by some person authorized to administer oaths, and in case of State officers and judges of the Supreme Court shall be filed in the office of the Secretary of State, and in case of other judicial and county officers in the office of the clerk of the county court of the county in which the same is taken; any person refusing to take said oath shall forfeit his office; and any person who shall be convicted of having sworn or affirmed falsely, or having violated said oath or affirmation, shall be guilty of perjury and be forever disqualified from holding any office of trust or profit in this State. The oath to the

members of the Senate and House of Representatives shall be administered by some judge of a court of record in the hall of the house to which the members may be elected.

which was read and on motion referred to the Committee on Miscellaneous Provisions.

Mr. Massey offered the following resolution:

96] That the Secretary of this Convention be directed to make up the daily journal in the blank book it is supposed has been provided by the Secretary of State.

and moved its adoption.

Messrs. Brockmeyer and Halliburton seconded the motion.

The resolution was read and adopted.

Mr. Halliburton offered the following resolution:

Resolved, That the Committee on the Judiciary be instructed to inquire into the expediency of reporting amendments to the Constitution substantially as follows:

1. The Supreme Court shall consist of three judges, any two of whom shall be a quorum, and shall hold its sessions at the Capitol. It shall have a general superintending control over all inferior courts of law. It shall have appellate jurisdiction from the final judgments of the districts, circuit and all inferior courts wherein the amount in controversy exceeds the sum of $500 or wherein any constitutional question shall be involved. It shall have the power to issue writs of *habeas corpus*, *mandamus*, *quo warranto*, *certiorari*, and other remedial writs, and to hear and determine them.

2. There shall also be established a district court, which shall consist of three judges. The State shall be divided into convenient districts not to exceed four, in each of which the district court shall be held at such time and place as the General Assembly may appoint and when sitting in either district it shall exercise jurisdiction over causes originating in that district only. It shall have like original jurisdiction with the Supreme Court and appellate jurisdiction from the final judgments of the circuit courts and all inferior courts of record within the respective district, except probate and county courts, wherein the amount in controversy does not exceed the sum of $500. After the establishment of such district courts, no appeal or writ of error shall lie from any circuit court or inferior court of record to the Supreme Court unless the amount in controversy exceed the sum of $500 or unless a question of constitutional law shall be involved in the proceeding, but such appeal or writ of error shall lie to the district court from the final judgments of which no appeal or writ of error can be taken to the Supreme Court.

which was read and on motion referred to the Committee on Judicial Department.

97] Mr. Rider offered the following resolution:

Resolved, That the Committee on Legislative Department be instructed to inquire into the expediency of so amending the Constitution as to provide, That all cases of contested elections of members of the Legislature shall be determined by the county court of the county in which the contest occurs.

which was read and on motion referred to the Committee on Legislative Department.

Mr. Rider offered the following resolution:

Resolved, That the Committee on Judiciary be instructed to inquire into the expediency of so amending the Constitution as to provide: That justices of the peace shall have concurrent jurisdiction with the circuit court in the trial of all cases of petit larceny and misdemeanors and that the General Assembly shall make provisions for the punishment of such offenses.

which was read and on motion referred to the Committee on Judiciary Department.

Mr. Conway offered the following resolution:

Resolved, That the sergeant-at-arms of this Convention be constituted the postmaster of this body, and that he be directed to assume the duties of said office in addition to his duties as sergeant-at-arms; without additional compensation.

which was read and adopted.

Mr. Adams offered the following resolution:

Resolved, That two additional members be added to the Committee on Judiciary so that such Committee shall be composed of fifteen members.

which was read and adopted.

Mr. Bradfield offered the following resolution:

Resolved, That the Committee on Banks and Corporations be instructed to inquire into the expediency of substantially incorporating the following provisions in the Constitution:

1. All individuals, associations and corporations shall have equal right to have persons and property transported over railroads, and no undue or unreasonable discrimination shall be made in charges for or in facilities for transportation of freight or passengers within the State. Persons and property transported over any railroad, shall be delivered at any station, at rates of charges not exceeding the charges for transportation of persons and property of the same class in the same direction to any more distant station.

2. No railroad in existence at the time of the adoption of this Constitution shall have the benefit of any future legislation by general or

98] special laws, except on condition of complete acceptance of all the provisions of this Constitution applicable to railroads.

3. The power to tax corporations and corporate property shall not be surrendered or suspended by any contract or grant to which the State shall be a party.

which was read and on motion referred to the Committee on Banks and Corporations.

Mr. Watkins offered the following resolution:

Resolved, That the Committee on the Judiciary be requested to inquire into the propriety of incorporating in the Constitution a provision to lay off the State into probate districts, appointing judges therefrom with like qualification as circuit judge.

which was read and on motion referred to the Committee on Judicial Department.

Mr. Wallace offered the following resolution.

Resolved, That the Committee on Education be requested to consider the expediency of reporting an amendment to the Constitution providing the levy and collection of any taxes for free or common school purposes by the State, and requiring all levy and collection of taxes for free or common school purposes to be made by and appropriated and disbursed in the respective counties and that a constitutional limitation be imposed on the amount of such taxes.

which was read and on motion referred to the Committee on Education.

Mr. Farris offered the following resolution:

Resolved, That the Committee on Miscellaneous Provisions be requested to examine into the expediency of incorporating a provision into the Constitution by which the people of the various counties in the State, that have overflowed swamp lands may reclaim the same and that the people of the various counties through which the Missouri river runs may build and construct levees to protect the lands from the usual overflows to which the same is subjected.

which was read and on motion referred to the Committee on Miscellaneous Provisions.

Mr. Holliday offered the following resolution:

Resolved, That the Committee on Revenue and Taxation be instructed to inquire into the expediency of incorporating in the Constitution a provision substantially as follows: Real estate not exceeding eighty acres, forty acres of which shall be in actual cultivation, lots in cities, towns and villages excepted, when owned and occupied by a 99] resident of the State shall be exempt from taxation.

which was read and on motion referred to the Committee on Revenue and Taxation.

Mr. Edwards of Iron offered the following resolution:

Resolved, That the Committee on Legislative Department inquire into the expediency of adopting an amendment to the Constitution prohibiting the Legislature from passing any general law to take effect and be in force only in such counties as may adopt the same by a vote of the qualified electors therein.

which was read and on motion referred to the Committee on Legislative Department.

Mr. Black offered the following resolution:

Resolved, That the proper committee be requested to inquire into the propriety of incorporating into the fundamental law of the State provisions substantially as follows:

1. The General Assembly shall pass no local or special law amending the charter or regulating the affairs of any city or town, but the General Assembly shall pass general laws for the organization, classification and government of municipal corporations. The number of such classes shall not exceed four and the power of each class shall be defined by general laws so that all such corporations of the same class shall possess the same power and be subject to the same restrictions and none other.

2. When such general laws shall be passed, all municipal corporations, whether created under general or special laws, shall become subject to and governed thereby.

3. If it is found advisable to require such general laws to be passed and not expedient to require existing corporations to become subject thereto, that then the Committee inquire into the propriety of directing the General Assembly to provide means whereby such corporations with special charters may elect to become subject to and governed by the General Assembly.

which was read and on motion referred to the Committee on Boundaries and Political Subdivisions of the State.

Mr. McAfee from the Committee on Organization of the Militia of the State submitted the following report:

Mr. President:

The Committee on Military Affairs and Organization of the Militia, appointed and required to report what changes or amendments are necessary in that part of the existing Constitution which relates to the organization of the militia, have had the subject under consideration and have instructed its chairman to report the following seven sections and recommend their adoption as and for that part of the new Constitution upon said subject, to wit:

100] Article ——— MILITIA.

Section 1. All able-bodied male inhabitants of this State between the ages of eighteen and forty-five years who are citizens of the United States or have declared their intention to become such citizens, shall be liable to military duty in the militia of this State: *Provided*, that no person who is religiously scrupulous of bearing arms, can be compelled to do so, but may be compelled to pay an equivalent for military service in such manner as shall be prescribed by law.

Section 2. The General Assembly, in providing for the organization, equipment and discipline of the militia, shall conform as nearly as practicable to the regulations for the government of the armies of the United States.

Section 3. Each company and regiment shall elect its own company and regimental officers, but if any company or regiment shall neglect to elect such officers within the time prescribed by law or by the order of the Governor, they may be appointed by the Governor.

Section 4. Volunteer companies of infantry, cavalry and artillery may be formed in such manner and under such restrictions as may be provided by law.

Section 5. The volunteer and militia forces shall in all cases except treason, felony and breaches of the peace, be privileged from arrest, during their attendance at musters, parades and elections and in going to and returning from the same.

Section 6. The Governor shall appoint the Adjutant-General, Quartermaster-General and his other staff officers. He shall also with the advise and consent of the Senate appoint all Major Generals and Brigadier Generals.

Section 7. The General Assembly shall provide for the safe keeping of the public arms, military records, banners and relics of the State.

All of which is unanimously concurred in by the Committee and respectfully submitted.

On motion of Mr. Brockmeyer the report was received, laid over informally and one hundred copies ordered to be printed.

The President announced the following to be the members of the Committee on Federal Relations:

From the First Congressional District, James O. Broadhead.
From the Second Congressional District, Joseph Pulitzer.
From the Third Congressional District, H. J. Spaunhorst.
From the Fourth Congressional District, L. H. Davis.
101] From the Fifth Congressional District, P. Pipkin.
From the Sixth Congressional District, John W. Ross.
From the Seventh Congressional District, J. P. Ross.
From the Eighth Congressional District, D. C. Allen.
From the Ninth Congressional District, J. C. Roberts.
From the Tenth Congressional District, J. A. Holliday.

From the Eleventh Congressional District, Thomas Shackelford.
From the Twelfth Congressional District, E. McCabe.
From the Thirteenth Congressional District, A. V. McKee.

The President announced that the following named gentlemen had been added to the Committee on Judicial Department: Thomas Shackelford and A. M. Lay.

On motion of Mr. Roberts the Convention adjourned until 9 o'clock a. m. tomorrow.

FRIDAY, MAY 14, 1875

MORNING SESSION

The Convention met pursuant to adjournment, the Vice-President in the chair.

Prayer by Rev. Mr. Parker.

On motion of Mr. Wallace the reading of the journal was dispensed with.

Mr. Malcolm McKillop came forward, presented his credentials and was sworn in by Mr. O. G. Burch, notary public for Cole county.

Mr. Norton submitted the following report from the Committee on Printing and Binding:

Mr. President:

The Committee on Printing and Binding to which was referred the following resolution:

Resolved, That the Committee on Printing and Binding be instructed to inquire into the propriety of having the shorthand reports of Messrs. Walbridge, Holland and Brown written out and published daily in a manner suitable to be bound in book form and that each member be furnished each day with————number of copies.

Secondly, That the Committee ascertain the least possible cost of transcribing and publishing the same per hundred copies, would respectfully report that they have had the same under consideration and in response thereto state that the propriety of translating the stenographic reports of the debates ordered to be taken by the former action of this Convention by Messrs. Walbridge, Holland and Brown depending in a great measure on the expense which would thereby be included, have made the following estimates on a session of fifty days of this Con-

 vention:

Cost of preserving debates in shorthand	$500.00
Cost of translating and writing out the same for publication	250.00
Cost of printing and binding 1000 copies of three volumes of 1000 pages for each volume	9,570.00
Estimated cost of bill work and bill work already ordered	500.00
Making a total of	$13,070.00

In view, therefore, of the cost involved and in view of the fact that the Legislature has only appropriated the sum of ten thousand dollars as a contingent fund out of which the above amount would have to be paid, the Committee recommends the adoption of the following resolution:

Resolved, That in view of the fact that the contingent fund at the disposal of this Convention is not sufficient to pay for the printing of bill work already ordered, the printing and binding of the journal, the translation and writing out of the shorthand reports of the debates and printing and binding the same, that it is inexpedient to have the shorthand reports of the debates of this Convention written out and printed and bound in book form.

which was read.

Mr. Johnston of Nodaway asked leave of absence for Mr. President which was granted.

Mr. Todd offered the following resolution:

Resolved, That the report of the Committee on Printing just made be referred back to said Committee with instructions that it inquire and report whether offers for doing the printing cannot be had at such a cost as to bring it within the means of the contingent fund.

which was read.

Mr. Shields offered the following amendment:

Amend by striking out all after the word "resolved" and insert the following: "That the report of the Committee on Printing be recommitted and the Committee be and it is hereby instructed to receive bids for the printing of the debates of the Convention in such form as may be suitable for binding and to furnish the same from day to day to the members of the Convention and report the same to the Convention."

which was read.

On motion of Mr. Shackelford the report with the amendments was laid on the table.

103] Mr. Pulitzer offered the following resolution:

Resolved, That the Committee on St. Louis Affairs be instructed to inquire into the expediency of amendments to the present Constitution substantially as follows:

1. All municipalities having a population of 100,000 and over shall be considered counties by themselves and shall not be compelled to have the territorial area prescribed in the formation of counties.

2. The fees, emoluments, perquisites, salary or compensation of no person holding any office whatever under the State or any county or municipal organization shall exceed the sum of $10,000 per annum. All existing statutory provisions creating fees, perquisites, or emoluments of any such office in excess of $10,000 shall be null and void and it shall be the duty of the Legislature to revise and conform the laws to the above provisions.

3. Municipalities having a population of 100,000 and over shall be regulated by a fundamental constitutional charter which shall not be liable to yearly change by the Legislature but shall remain as permanent as the fundamental law of the State unless such change be proposed by the concurrent action of two-thirds of the city council and the mayor of said municipalities and endorsed by at least two-thirds of the people thereof voting in a special election called for the purpose of approving or respecting such change in the municipal charter.

4. The Representatives of St. Louis county in the Lower House of the Legislature shall be elected in the county at large and not in special subdivisions.

5. Education of children in municipalities having a population of 100,000 and more shall be absolutely compulsory, tax-payers being taxed at large to educate the children at large in the interest of the State, society and the municipality.

which was read and on motion referred to the Committee on St. Louis Affairs.

Mr. Hale offered the following resolution:

Resolved, That the Judiciary Committee be instructed to inquire into the expediency of inserting a provision in the Constitution prohibiting the payment of costs in criminal cases by the State except costs of apprehending criminals in other states and costs incurred after conviction.

which was read and on motion referred to the Committee on Judicial Department.

On motion, Mr. Dysart was granted leave of absence.

Mr. Hale offered the following resolution:

Resolved, That the Secretary of this Convention be and he is hereby required to furnish each member of this Convention with three such daily papers as may contain reports of the proceedings of this Convention for distribution amongst the people, the papers to be selected by
104]
the members and at a cost of not exceeding five cents each to be paid for out of contingent fund.

Mr. Hale moved the previous question which was ordered.

Mr. Roberts demanded the ayes and noes and the resolution was adopted by the following vote:

AYES

Adams	Edwards	Halliburton	McCabe	Rippey	
Boone	of Iron	Hammond	Mudd	Rucker	
Bradfield	Edwards	Lackland	Pipkin	Shanklin	
Carleton	of St. Louis	Lay	Pulitzer	Shields	
Conway	Eitzen	Mabrey	Ray	Wallace	
Cottey	Hale	Maxey	Rider	Watkins	28

NOES

Allen	Crockett	Johnston	Nickerson	Shackelford	
Alexander	Davis	of Nodaway	Norton	Switzler	
Black	Farris	Letcher	Priest	Taylor	
Broadhead	Fyan	Massey	Roberts	of Jasper	
Chrisman	Gantt	McAfee	Ross	Todd	
Crews	Hyer	McKillop	of Polk	Wagner	27

ABSENT WITH LEAVE

Dryden	Gottschalk	Ross	Taylor	Mr. President	
Dysart	Hardin	of Morgan	of St. Louis		8
		Spaunhorst			

ABSENT

Brockmeyer	Holliday	McKee	Mortell	4

Mr. McCabe moved to reconsider the vote by which the resolution passed and to lay his motion to reconsider on the table which was agreed to.

Mr. Todd offered the following resolution:

Resolved, That the Committee on Miscellaneous Provisions be instructed to inquire into the expediency of reporting as an amentment to the Constitution the following: It shall not be lawful for any public authorities deriving their powers from the General Assembly to indemnify or release any party or parties from any consequences of any contract or contracts by such party or parties made or entered into with said authorities.

which was read and on motion referred to the Committee on Miscellaneous Provisions.

Leave of absence was granted to Messrs. Adams and Hardin.

Mr. Crews offered the following resolution:

Resolved, That the Committee on Accounts be and is hereby authorized to regulate the pay of such employes as have been appointed by the doorkeeper and whose appointment has been approved by the President of this Convention.

which was read and adopted.

Mr. Crews offered the following resolution:

Resolved, That at the first regular session of the General Assembly chosen at an election under this Constitution the Representatives shall 105] be divided into two equal classes to be determined by lot, under rules to be adopted for that purpose by the House of Representatives. The seats of the first class shall be vacated at the end of the second year after the day of said election, and those of the second class at the end of the fourth year after that day so that one-half of the Representatives shall be chosen every second year and after the expiration of the term of said first class, all Representatives shall hold their offices for four years.

which was read and referred to Committee on Representation, Representative and Senatorial Districts.

Mr. McCabe offered the following resolution:

Resolved, That the Committee on Legislative Department of the State Government be requested to inquire into the expediency and propriety of incorporating into the Constitution the following provision, in substance. Every bill shall be read at large on three different days in each house and the bill and all amendments thereto shall be printed before the vote is taken on its final passage and that every bill having passed both houses shall be signed by the Speaker thereof.

which was read and on motion referred to the Committee on Legislative Department.

Mr. Maxey offered the following resolution:

Resolved, That the Committee on Revenue and Taxation to which was referred the seventeenth section of the Bill of Rights, as reported by the Committee on Preamble and Bill of Rights, inquire into the expediency of reporting in lieu thereof the following: The property of this State, of counties and other municipal corporations within this State, both real and personal, and such other property as may be used exclusively for religious, cemetery, school and charitable purposes shall be exempt from State, county and municipal taxation.

which was read and on motion referred to the Committee on Revenue and Taxation.

Mr. Shields offered the following resolution:

Resolved, That the President appoint a standing committee of seven to be known as the Committee on Railroad Taxation to which

shall be referred all propositions relating to the taxation of railroads and the duty of which committee shall be to present to the Convention thorough and practicable mode of taxing the property of railroad corporations in this State.

which was read.

Mr. Bradfield offered the following amendment:

Amend by striking out the word "seven" and insert the word "nine".

which was agreed to.

The resolution as amended was adopted.

Mr Todd offered the following resolution:

106] Resolved, That the Committee on Miscellaneous Provisions be instructed to inquire into the expediency of reporting as an amendment to the Constitution the following: That the using or suffering to be used any money or moneys or any choses in action officially received or elected by any public officer, and also that the default of any public officer to pay or deliver over as directed by law of any money, moneys or choses in action, and also that the deposit of any public officer of any such money, moneys or choses in action otherwise than as directed by law, unless impracticable, shall be a felony for which the General Assembly shall enact an infamous punishment.

which was read and on motion referred to the Committee on Miscellaneous Provisions.

Mr. McKee asked leave of absence for the sergeant-at-arms until Monday, which was granted.

On motion of Mr. Halliburton, Mr. Hammond was granted leave of absence.

Mr. Hale offered the following resolution:

Resolved, That the Committee on Revenue and Taxation and also the Committee on Education be required to inquire into the expediency of inserting appropriate provisions in the Constitution whereby railroads and railroad property shall be taxed for all purposes as other property according to its actual value and that the revenue derived shall be set apart as a fund to pay the interest and principal of the State debt incurred on account of the building of railroads, until the same is extinguished and that after the payment of said debt that the revenue so derived be set apart and appropriated permanently to the support of common schools in this State.

which was read and on motion referred to the Committee on Revenue and Taxation.

Mr. Holliday moved to adjourn until tomorrow, 9 o'clock a. m., which was not agreed to.

Mr. Mudd offered the following resolution:

Resolved, That the Committee on Railroad Taxation be instructed to inquire into the expediency of providing for the taxation of all railroad corporations by the collection by the State of a percentage on the gross receipts of said railroads.

which was read and on motion referred to the Committee on Railroad Taxation.

Mr. Crockett offered the following resolution:

107] Resolved, That the Committee on Legislative Department be instructed to inquire into the propriety of amending the Constitution substantially as follows: That the legislative power of the State shall be vested in a General Assembly to be composed of one Senator for each senatorial district into which the State now is or hereafter may be divided in pursuance of the provisions of the Constitution regulating apportionment and representation, and one Representative for each county in the State as at present constituted or which may hereafter be established, who shall meet in General Assembly at the capitol of the State on the first Monday in January next after the adoption of this Constitution and regularly once every four years thereafter: *Provided*, that in case of insurrection, rebellion or invasion or other great emergency the Governor shall have power to convene the General Assembly in extra session by proclamation, but such extra sessions of the General Assembly shall have no authority to legislate upon matters other than such as are specially named in such proclamation.

which was read and on motion referred to the Committee on Representation, Representative and Senatorial Districts.

Mr. Cottey offered the following resolution:

That the Committee on Executive and Ministerial Officers of County and Municipal Government be instructed to inquire into the expediency of reporting provisions in the Constitution substantially as follows: In any county that shall have adopted a township organization the question of continuing the same may be submitted to a vote of the people of such county at a general election and if a majority of all the votes cast upon the question shall be against township organization, then such organization shall cease in such county and all laws in force in relation to counties not having township organization shall immediately take effect in such county, *provided*, that all counties under township organization shall be governed by uniform laws.

which was read and on motion referred to the Committee on Executive and Ministerial Officers of County and Municipal Government.

The President announced the following committee on Railroad Taxation: Shields, Norton, McCabe, Davis, McAfee, Broadhead, Wallace, Roberts, Letcher.

On motion of Mr. Hyer the Convention adjourned until tomorrow, 9 o'clock a. m.

108] SATURDAY, MAY 15, 1875

The Convention met pursuant to adjournment, the President in the chair.

Prayer by Rev. Mr. Barrett.

The journal of Wednesday, May 12th, was being read when on motion of Mr. McAfee the further reading was dispensed with.

The President announced that the following named members had been added to the Committee on Miscellaneous Provisions: L. F. Cottey and S. R. Crockett.

The Committee on Judicial Department reported back resolution No. 1 with recommendation that it be referred to Committee on Executive and Ministerial Departments.

Leave of absence was granted to Messrs. Rucker, Gantt, Shields, Ross of Polk, Shackelford, Nickerson and Dysart, until Monday evening next.

Mr. Massey moved the Convention adjourn until Monday morning next at 9 o'clock.

Messrs. Pulitzer and Conway demanded the ayes and noes.

The question being upon the motion to adjourn until Monday next at 9 o'clock a. m., the motion was agreed to by the following vote:

AYES

Boone	Dysart	Fyan	Lay	McKee
Bradfield	Edwards	Halliburton	Letcher	McKillop
Broadhead	of Iron	Holliday	Massey	Mortell
Brockmeyer	Edwards	Hyer	Maxey	Mudd
Carleton	of St. Louis	Johnston	McAfee	Norton
Crews	Farris	Lackland	McCabe	Priest

Roberts	Taylor	Taylor	Todd	Watkins	
Ross	of Jasper	of St. Louis	Wagner	Mr. President	
of Polk					36

NOES

Allen	Conway	Gantt	Ray	Shanklin	
Alexander	Cottey	Mabrey	Rider	Switzler	
Black	Crockett	Pipkin	Rippey	Wallace	18
Chrisman	Davis	Pulitzer			

ABSENT WITH LEAVE

Adams	Gottschalk	Hardin	Ross	Shields	
Dryden	Hale	Nickerson	of Polk	Spaunhorst	
Eitzen	Hammond		Rucker	Shackelford	13

Whereupon the President declared the Convention adjourned until Monday morning next at 9 o'clock.

MONDAY, MAY 17, 1875

The Convention met pursuant to adjournment, the President in the chair.

Prayer by the Rev. Mr. Woods.

The journals of the thirteenth and fourteenth of May were read and approved.

109] The journal of Saturday was read and approved.

Mr. Hyer presented a petition from certain citizens of Dent county in relation to incorporating a clause in the Constitution punishing slander and libel by fine or imprisonment or both, which was read and on motion referred to the Committee on Judicial Department.

Mr. Fyan asked leave of absence for Mr. Maxey, which was granted.

Mr. Todd offered the following resolution:

Resolved, That the Committee on Legislative Department be instructed to inquire into the expediency of reporting as an amendment to the Constitution the following: The General Assembly shall provide by law for the taking of depositions to be read in evidence in all State cases of violations of law, and for the release of the deponents thereof upon their own recognizance.

which was read and on motion referred to the Committee on Legislative Department.

Mr. Todd offered the following resolution:

Resolved, That the Committee on the Legislative Department be instructed to inquire into the expediency of reporting as an amendment to the Constitution the following: That no public officer shall be tried or charges made against him by the same tribunal or body that makes the charges.

which was read and on motion referred to the Committee on Legislative Department.

Mr. Taylor of St. Louis offered the following resolution:

Resolved, That the Committee on the Executive and Ministerial Officers be instructed to inquire into the expediency of reporting an amendment to the Constitution requiring that all State and county officers except justices of the peace and constables shall receive their compensation by way of salary and in no other manner.

which was read and on motion referred to the Committee on Executive and Ministerial Officers of County and Municipal Government.

Mr. Davis offered the following resolution:

Resolved, That the Committee on Legislative Department inquire into the expediency of reporting the following proposed amendment: No bill shall be introduced into either house of the General Assembly after the expiration of the first twenty days succeeding the permanent organization of the same.

which was read and on motion referred to the Committee on Legislative Department.

Mr. Halliburton offered the following resolution:

Resolved, That the following be referred to the Committee on Revenue and Taxation, and that they be requested to inquire into the ex-
110] pediency of incorporating the following provision into the Constitution to wit: Section——. No greater rate of interest nor penalty than ten per cent per annum shall be lawful in this State for the forbearance or nonpayment of money, property or tax.

which was read and on motion referred to the Committee on Revenue and Taxation.

Mr. Rider offered the following resolution:

Resolved, That the Committee on Executive Department be instructed to inquire into the expediency of so amending the Constitution as to provide for the abolishment of the offices of Adjutant-General and

Register of Lands by making the Secretary of State *ex officio* Adjutant-General and the State Auditor *ex officio* Register of Lands.

which was read and on motion referred to the Committee on Executive Department.

Mr. Lackland offered the following resolution:

Resolved, That the Committee on Judicial Department be instructed to inquire into the expediency and propriety of so amending the Constitution as to give the circuit courts jurisdiction and authority to try suits on all claims against the State and to refrain the General Assembly to enact such laws as shall be necessary to provide for the payment of judgments against the State.

which was read and on motion referred to the Committee on Judicial Department.

Mr. Mabrey offered the following resolution:

Resolved, That the President of this Convention be and is hereby requested to appoint M. L. Julian to act as folder and mail messenger for this Convention and that he receive for his services as such folder and messenger the same per diem as was allowed the folder of the Twenty-eighth General Assembly.

which was read.

Mr. McAfee rose to a point of order and stated that the power to appoint additional employes when necessary had been by previous resolution given to the President and that the resolution was not in order.

The President declared the point of order well taken and ruled the resolution out of order.

Mr. Switzler moved to take the report of the Committee on Printing and Binding from the table, which was agreed to.

The question recurring on the adoption of the report of the Committee on Printing and Binding, Mr. Switzler offered the following resolution:

111] Resolved, That the report of the Committee on Printing and Binding be recommitted to said Committee with instructions to ascertain from the State Printers and report to this body at what cost per volume of eight hundred pages solid brevier, same size and style of the Pennsylvania Debates, and one thousand copies of the proceedings and debates of this Convention will be furnished by them, also the cost per column solid brevier, of ten columns per day in the *Daily Tribune* together with the cost of five hundred copies daily of said paper to be furnished this Convention.

Mr. McAfee offered the following amendment:

Amend by adding the following: Resolved, That the Committee on Printing and Binding be required to inquire also, and report as soon as practicable, whether the expense of printing and binding done for this Convention must, under existing law, be paid for out of its contingent fund.

which was read and agreed to.

The resolution as amended was adopted.

Mr. Cottey offered the following resolution:

Resolved, That it is the sense of this Convention that any member introducing a resolution for reference to a committee shall not be allowed to accompany the same with any explanatory remarks.

which was read and not adopted.

On motion of Mr. Broadhead the Convention adjourned until tomorrow, 9 o'clock a. m.

TUESDAY, MAY 18, 1875

MORNING SESSION

The Convention met pursuant to adjournment, the President in the chair.

Prayer by the Rev. Mr. Barrett.

The journal of yesterday was read and approved.

Mr. Conway offered the following resolution:

Resolved, That the Committee on Judiciary be instructed to inquire into the expediency of incorporating into the Constitution provisions substantially as follows:

Section——. The Governor, Lieutenant-Governor, Secretary of State, State Auditor, State Treasurer, Attorney-General and all judges of courts of record shall be liable to impeachment for high crimes and misdemeanors.

Section——. The House of Representatives shall have the sole power of impeachment. All impeachments shall be tried by a special commission composed of five eminent jurists to be elected by the Senate. Whenever articles of impeachment have been found against any officer 112] above designated, it shall be the duty of such committee as soon as chosen, to proceed at once to the trial of the impeachment at the Capital, having first been sworn to do justice according to law and evidence, *provided*, that when the Governor is tried the Chief Justice shall be a member of said commission and shall preside, and four eminent

jurists shall be selected as above provided for, who, with the Chief Justice, shall constitute the commission to try the Governor in case of his impeachment: *and provided*, that whenever any judges of courts of record are to be tried said commission shall proceed to the place where the high crimes or misdemeanors or the most of them with which such judges may be charged are alleged to have been committed and shall there try such impeachment. Such commission shall receive such compensation as shall be provided for by law, and the Legislature shall provide for paying the expenses of such trials as are herein contemplated.

which was read and on motion referred to the Committee on Judicial Department.

Mr. Allen offered the following resolution:

Resolved, That the Committee on Judiciary examine into the expediency of amending the Constitution by inserting therein in lieu of Section seventeen of Article VI, a section which shall be as follows: Section——. The General Assembly shall provide by law for holding circuit courts when there is a vacancy in the office of the judge of any circuit, or when the judge shall fail to attend or if in attendance cannot from sickness or other cause properly preside.

which was read and on motion referred to the Committee on Judicial Department.

Mr. Taylor of St. Louis offered the following resolution:

Resolved, That the Committee on Legislative Department be instructed to inquire into the expediency of reporting an amendment to the Constitution requiring the Governor, by and with the consent of the Senate, at the first session of the Legislature after this proposed Constitution goes into effect and every ten years thereafter, to appoint three persons well skilled in the law, as a commission to revise and codify the Senate* laws of this State.

which was read and on motion referred to the Committee on Legislative Department.

Mr. McCabe asked for leave of absence for Mr. Alexander, which was granted.

The special order being the consideration of the Pre-
113] amble and Bill of Rights, which was taken up, Mr. Bradfield moved that the Convention go into Committee of the Whole for the consideration of the same, which was agreed to.

Mr. Switzler in the chair.

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*This is an error. The word "senate" should have been omitted.

On motion of Mr. Norton the Committee rose, the President took the chair and called the Convention to order.

Mr. Switzler, chairman of the Committee, reported progress but arrived at no definite action and asked leave to sit again. Leave was granted.

Mr. Shields moved that the Convention go into Committee of the Whole at 9 o'clock a. m. tomorrow for the further consideration of the Preamble and Bill of Rights, which was agreed to.

On motion of Mr. Brockmeyer the Convention adjourned until tomorrow, 9 o'clock a. m.

WEDNESDAY, MAY 19, 1875

The Convention met pursuant to adjournment, the President in the chair.

Prayer by Rev. Mr. Keady.

The journal of yesterday was read and approved.

Mr Norton from the Committee on Representation, Representative and Senatorial Districts submitted the following report:

Mr. President:

The Committee on Representation and Representative and Senatorial Districts, having had under consideration those parts of the Constitution relating to these subjects and also the various resolutions which have been referred to it, recommends the adoption of the following sections, and that they be incorporated in the Constitution to be framed by this Convention as part thereof.

ARTICLE———

Section 1. The House of Representatives shall consist of members to be chosen every second year by the qualified voters of the several counties and apportioned in the following manner:

The ratio of representation shall be ascertained at each apportioning session of the General Assembly by dividing the whole number of inhabitants of the State as ascertained by the last decennial census of the 114] United States by the number two hundred. Each county having one ratio, or less, shall be entitled to one Representative, each county having two and one-half times said ratio shall be entitled to two Representatives, each county having four times said ratio shall be entitled to three Representatives, each county having six times said ratio shall be entitled to four Representatives, and so on above that number, giving one

additional member for every two and a half additional ratios. When any county shall be entitled to more than one Representative the county court shall cause such county to be subdivided into as many compact and convenient districts as such county may be entitled to Representatives, which districts shall be as near as may be of equal population, and the qualified voters of each of such districts shall elect one Representative who shall be a resident of such district, *provided*, that when any county shall be entitled to more than ten Representatives the county court shall cause such county to be subdivided into districts so as to give each district not less than two nor more than four Representatives, who shall be residents of such districts.

Section 3.* No person shall be a member of the House of Representatives who shall not have attained the age of twenty four years, who shall not be a male citizen of the United States, who shall not have been a qualified voter of this State two years and an inhabitant of the county or district which he may be chosen to represent one year next before the day of his election, if such county or district shall have been so long established, but if not then, of the county or district from which the same shall have been taken, and who shall not have paid a State and county tax within one year next preceding the election.

Section 4. The Senate shall consist of thirty-four members, to be chosen by the qualified voters for four years, for the election of whom the State shall be divided into convenient districts.

Section 5. No person shall be a Senator who shall not have attained the age of thirty years; who shall not be a male citizen of the United States; who shall not have been a qualified voter of this State three years and an inhabitant of the district which he may be chosen to represent one year next before the day of his election, if such district shall have been so long established, but if not, then of the district or districts from which the same shall have been taken, and who shall not have paid a State and county tax within one year next preceding the election. When any county shall be entitled to more than one senator the county court shall **115**] cause such county to be subdivided into as many compact and convenient districts as such county may be entitled to senators, which districts shall be as near as may be of equal population; and the qualified voters of each of such districts shall elect one Senator, who shall be resident of such district.

Section 6. Senators shall be appointed among their respective districts as nearly as may be according to the number of inhabitants in each, as ascertained by the last decennial census taken by the United States.

Section 7. Senators and representatives shall be chosen according to the rule of apportionment established in this Constitution, until the next decennial census taken by the United States shall have been made and the result thereof as to this State ascertained, when the apportionment shall be revised and adjusted on the basis of that census, and every ten years thereafter upon the basis of the United States census, such apportionment to be at the first session of the General Assembly after each decennial census taken by the United States.

*Section 2 omitted.

Section 8. Until an apportionment of Representatives can be made in accordance with the provisions of this article the House of Representatives shall consist of one hundred and forty-three members, which shall be divided among the several counties of the State as follows: The county of St. Louis shall have seventeen members; the county of Jackson four members; county of Buchanan three members; the counties of Franklin, Greene, Johnson, Lafayette, Macon, Marion, Pike and Saline each two members, and each of the other counties in the State one member.

Section 9. Senatorial and representative districts may be altered from time to time as public convenience may require. When any senatorial district shall be composed of two or more counties they shall be contiguous, such districts to be as compact as may be and in the formation of the same no county shall be divided.

Section 10. The first election of Senators and Representatives under this Constitution shall be held at the general election in the year 1876 where the whole number of Representatives shall be chosen and the Senators from the districts having odd numbers who shall compose the first class, and in 1878 the Senators from the districts having even numbers, who shall compose the second class, and so on at each succeeding general election one-half the Senators provided for by this Constitution shall be chosen.

Section 11. The General Assembly at its first meeting after the adoption of this Constitution shall divide the State into senatorial districts in accordance with the provisions of this article and in districting the State or any county for the election of Senators the district shall be numbered so as to effectuate the division of Senators into classes and 116] their election as provided for by this Constitution.

E. H. Norton, *Chairman.*

which was read and on motion one hundred copies ordered printed.

Mr. Broadhead from the Committee on Representative, Representation and Senatorial Districts submitted the following views of the minority of said Committee and recommended the adoption of the accompanying amendment to the majority report of the Committee.

VIEWS AND AMENDMENTS RECOMMENDED BY THE MINORITY OF THE COMMITTEE ON REPRESENTATION, REPRESENTATIVE AND SENATORIAL DISTRICTS.

The undersigned, a minority of the Committee on Representation, Representative and Senatorial Districts, beg leave to report that they cannot agree to the report of the Committee. According to the last federal census, the total population of the State is 1,722,102. Applying the rule established by the report of the Committee to the different

counties of the State, it will appear that there are forty counties having the ratio and less, each of which will be entitled to one Representative, one of them only, the county of Schuyler, having a small fraction over the ratio. These forty counties contain an aggregate population of only two hundred and twenty-eight thousand seven hundred and ninety-four (228,794), making the average ratio 5,179 only, or one representative for 5,719 inhabitants. The counties with their population are as follows:

Counties having the ratio and less, 40.

Atchison	8,440	Morgan	8,454
Barton	5,087	New Madrid	6,357
Bollinger	8,162	Oregon	3,287
Butler	4,298	Ozark	3,363
Camden	6,108	Pemiscot	2,059
Carter	1,455	Pulaski	4,714
Christian	6,707	Reynolds	3,756
Crawford	7,982	Ripley	3,175
Dade	8,683	St. Clair	6,742
Dallas	8,383	Ste. Genevieve	8,384
Dent	6,357	Schuyler	8,820
Douglas	3,915	Scott	7,317
Dunklin	5,982	Shannon	2,339
Hickory	6,452	Stoddard	8,535
Howell	4,218	Stone	3,253
Iron	6,278	Taney	4,407
McDonald	5,226	Wayne	6,068
Madison	5,849	Worth	5,004
Maries	5,916	Wright	5,684
Miller	6,616		
Mississippi	4,982	Total population	228,794

117] There will be eleven counties having more than one Representative, with an aggregate representation of forty members, and an aggregate population of 631,975, as follows:

	Representatives.	Population
St. Louis county	17	351,189
Buchanan county	3	35,109
Franklin county	2	30,098
Green county	2	21,509
Jackson county	4	55,041
Johnson county	2	24,684
Lafayette county	2	22,623
Macon county	2	23,230
Marion county	2	23,780
Pike county	2	23,076
Saline county	2	21,672
Total		631,975

thus giving an average ratio for each Representative of 15,799 population or one Representative for each 15,799 of inhabitants. The remaining sixty-three counties of the State would have one Representative each, and the aggregate population of these counties is 861,661, giving an average ratio for each Representative in these sixty-three counties 13,677 of population, or one representative for 13,677 inhabitants.

These sixty-three counties with their population are as follows:

Adair	11,448	Lewis	15,114
Andrew	15,137	Lincoln	15,960
Audrain	12,307	Linn	15,900
Barry	10,373	Livingston	16,730
Bates	15,960	Mercer	11,557
Benton	11,322	Moniteau	11,375
Boone	20,765	Monroe	17,149
Caldwell	11,390	Montgomery	10,405
Callaway	19,902	Newton	12,821
Cape Girardeau	17,555	Nodaway	14,751
Carroll	17,446	Osage	10,793
Cass	19,296	Perry	9,877
Cedar	9,474	Pettis	18,706
Chariton	19,136	Phelps	10,506
Clark	13,637	Platte	17,353
Clay	15,564	Polk	12,445
Clinton	14,063	Putnam	11,217
Cole	10,292	Ralls	10,510
Cooper	20,692	Randolph	15,908
Daviess	14,410	Ray	18,700
DeKalb	9,858	St. Charles	21,304
Gasconade	10,093	Scotland	10,670
Gentry	11,607	Shelby	10,119
Grundy	10,567	Sullivan	11,907
Harrison	14,635	Texas	9,618
Henry	17,401	St. Francois	9,742
Holt	11,652	Vernon	11,247
Howard	17,233	Warren	9,673
Jasper	14,928	Washington	11,719
Jefferson	15,380	Webster	10,437
Knox	10,974		
Laclede	9,380	Total	861,661
Lawrence	13,067		

It will be seen that the average inequality between the largest class of counties and the smallest is about three to one, and between the medium sized counties and the smallest about two and a half to one, and the inequalities between individual counties much greater, being in some cases as much as ten to one.

Now, whilst it is admitted that so long as we preserve county lines and county representation, it is impossible to arrive at exact equality in representation, we claim that it can be made, and ought to be made

more nearly equal than under the plan proposed by the Committee. In a spirit of compromise, we submit the following proposition, claiming for it a much nearer approach to equality than the plan submitted by the Committee. Amend by striking out all of Section two, down to words "additional ratio," and insert:

"Section 2. The House of Representatives shall consist of members to be chosen every second year by the qualified voters of the several counties and apportioned in the following manner: The ratio of representation shall be ascertained at each apportioning session of the General Assembly, by dividing the whole number of inhabitants of the State as ascertained by the last United States census, by the number of two hundred; each county having one ratio or less, shall be entitled to one Representative; each county having twice the ratio shall be entitled to two Representatives; each county having three and a half times the 119] ratio, shall be entitled to three Representatives; each county having six times the ratio shall be entitled to four Representatives, and so on above that number, giving four additional members for every six additional ratios." This will give to the counties of Boone, Callaway, Cape Girardeau, Carroll, Cass, Chariton, Cooper, Greene, Henry, Howard, Johnson, Lafayette, Macon, Marion, Pettis, Pike, Platte, Ray, St. Charles, and Saline, two Representatives each; to Buchanan and Franklin counties three Representatives each; to Jackson, four and St. Louis twenty-four Representatives, and making the whole number of Representatives one hundred and sixty-four, only twenty-one more than the number provided for in the report of the Committee. To this we see no objections. A large body is less easily controlled by outside influences and not likely to curse the country with a super-abundance of legislation.

All of which is respectfully submitted,

Jas. O. Broadhead,
Albert Todd.

which was read and on motion ordered printed with the report of the majority of the Committee.

Mr. Broadhead moved that the report of the Committee and the amendment recommended by the minority of the Committee be made the special order for Wednesday, May 26, 1875, at 10 o'clock a. m. and that the same be considered in Committee of the Whole, which was agreed to.

Mr. Ray offered the following resolution:

Resolved, The Government of counties shall be uniform throughout the State; and shall consist of the following officers: one justice of the county court, clerk of the county court, clerk of the circuit court, who shall be *ex officio* recorder, prosecuting attorney, a sheriff, collector, treasurer, surveyor, public administrator, assessor, commissioner of common schools, coroner, and such other officers as may become necessary; *provided*, that in counties having a less population than ten thous-

and the offices of sheriff and collector may be combined; and in counties having more than ten thousand inhabitants the offices of circuit clerk and recorder shall be separate, and upon petition of a majority of the qualified voters of such last named counties, the county court thereof may establish a court of common pleas, with probate jurisdiction and order an election therefor.

2. Towns and cities having a less population than fifty thousand inhabitants may be incorporated under a general law of the General
120] Assembly, under such rules and regulations and with such officers as may be deemed expedient. But after their incorporation such rules, regulations and officers shall not be altered or abolished without the consent of a majority of the legal voters of said towns and cities. Cities having more than fifty thousand inhabitants shall be incorporated under the provisions of an organic law, to be framed and adopted by themselves after the same manner in which this Constitution is framed and adopted, and which shall be in strict accordance with this said Constitution and said organic law shall provide for the election of a mayor and city council to consist of an upper and a lower house, and such other officers as may be deemed necessary. Said members of the two houses of said city council shall possess the same qualifications as the members of the corresponding branch of the General Assembly of this State, and the members of the lower house shall consist of at least twice the number as the aforesaid upper house.

3. And the said organic law shall be amended and altered in the same manner as is provided for the alteration or amendment of this Constitution; but in no other manner.

which was read and on motion referred to the Committee on Executive and Ministerial Officers of the County and Municipal Government.

Mr. Norton from the Committee on Printing and Binding submitted the following report:

Mr. President:

The Committee on Printing and Binding having had under consideration the following resolution: "That the report of the Committee on Printing and Binding be recommitted to said Committee with instructions to ascertain from the State Printer and report to this body at what cost per volume of 800 pages solid brevier, same size and style of the Pennsylvania Debates, of the proceedings and debates of this Convention will be furnished by them. Also the cost per volume solid brevier of ten columns per day in the *Daily Tribune* together with the cost of 500 copies daily of said paper to be furnished this Convention. Secondly, That the Committee on Printing and Binding be required to inquire also and report as soon as practicable whether the expense of printing and binding must be paid for out of the contingent fund."
121] would respectfully report, that the State Printers prepare to print the proceedings and debates of the Convention on the following terms:

Cost per volume of 800 pages solid brevier, same size and style of the Pennsylvania Debates, at $2 per volume including binding.

The cost of 1000 copies of one volume of 800 pages of the proceedings and debates would therefore amount to...	$2,000.00

Your Committee states, that a session of 50 days would require the publication of two volumes at a cost of $4,000.00.

Cost of preserving proceedings and debates in shorthand....	$500.00
Cost of writing out the same.....	2,500.00
Estimated cost of printing Journal.....	2,100.00
Cost of printing bill work.....	500.00
Cost of papers ordered by Convention.....	500.00
Cost of printing 500 copies of Constitution.....	160.00
Cost of 2000 copies of the Constitution in the German language.....	160.00
The cost of printing the proceedings and debates in the *Daily Tribune* solid brevier per column.....	2.00
10 columns.....	20.00
500 copies *Daily Tribune*.....	12.50
Total for paper and printing per day.....	32.50
For a session of 50 days the cost of printing the proceedings and debates in the *Daily Tribune* and furnishing daily 500 copies thereof would be.....	1,625.00
The cost of printing out shorthand notes for such publication..	1,500.00

The Committee further reports that under existing laws the contingent fund is the only fund out of which the printing and binding done for this Convention can be paid. All of which is respectfully submitted for such action as the Convention may choose to take.

which was read and on motion laid over informally.

Mr. Pipkin offered the following resolution:

Resolved, That no member nor officer of this body shall receive per diem pay for any time in traveling to and from the Capital and that the Committee on Accounts are hereby instructed to audit all claims of members and officers accordingly.

which was read and on motion of Mr. Farris referred to the Committee on Accounts.

Mr. Edwards of St. Louis moved that the President appoint two additional members on the Committee on Banks and Corporations, which was agreed to.

The President announced the following as additional 122] members of the Committee on Banks and Corporations: Shields and Fyan.

The hour of 10 o'clock having arrived the special order being the consideration of the Preamble and Bill of Rights, it was taken up.

The Convention went into Committee of the Whole, Mr. Switzler in the chair.

On motion of Mr. Edwards of St. Louis the Committee rose.

The President took the chair and called the Convention to order.

Mr. Switzler, chairman of the Committee, reported progress but arrived at no definite action and asked leave to sit again. Leave was granted.

Mr. Shields moved that the Convention go into Committee of the Whole at 9 o'clock a. m. tomorrow for the further consideration of the Preamble and Bill of Rights, which was agreed to.

On motion of Mr. Taylor of Jasper the Convention adjourned until tomorrow, 9 o'clock a. m.

THURSDAY, MAY 20, 1875

MORNING SESSION

The Convention met pursuant to adjournment, the President in the chair.

Prayer by Rev. Mr. Barrett.

The journal of yesterday was read and approved.

The special order being the consideration of the Preamble and Bill of Rights, it was taken up.

On motion the Convention went into Committee of the Whole, Mr. Switzler in the chair.

On motion of Mr. Alexander the Committee rose, the President took the chair and called the Convention to order.

Mr. Switzler, chairman of the Committee of the Whole, reported that the Committee had under consideration the Preamble and Bill of Rights and instructed him to report progress, but arrived at no definite action, and asked leave to sit again.

Leave was granted.

Mr. Halliburton moved that the Convention go into Committee of the Whole at 9 o'clock a. m. tomorrow for

123] the further consideration of the Preamble and Bill of Rights, which was agreed to.

Mr. McCabe from the Committee on Executive and Ministerial Departments of State Government, submitted the following report:

Mr. President:

Your Committee to which was referred the resolution No. 206 instructing the Committee to inquire into the expediency of so amending the Constitution as to provide for abolishing the office of Adjutant General and Register of Lands and making the Secretary of State *ex officio* Adjutant-General and the State Auditor *ex officio* Register of Lands, respectfully report as follows: That neither of said offices being provided for by the Constitution of the State, and therefore subjected to be abolished or to have their duties upon some other department of the government by the power which created them, your Committee recommends that the said resolution be referred to the Committee on Legislative Department of State Government.

which was read and agreed to.

Mr. Watkins offered the following resolution:

Resolved, That the Committee on the Judicial Department take into consideration an amendment to the Constitution authorizing the attorneys practicing at court, in the absence, or non-attendance of the judge from any cause, to elect one of their own number as judge *pro tem*, who shall perform all the duties of judge as prescribed by law, excepting that he shall not sit upon and determine any cause in which he has been retained.

which was read and on motion referred to the Committee on Judicial Department.

On motion of Mr. Pulitzer, the Convention adjourned until tomorrow, 8 o'clock and 45 minutes a. m.

FRIDAY, MAY 21, 1875

MORNING SESSION

The Convention met pursuant to adjournment, the President in the chair.

The journal of yesterday was read and approved.

Mr. McCabe from the Committee on Executive and Ministerial Departments of the State Government submitted the following report:

Mr. President:

Your Committee to which was referred the article concerning the 124] Executive and Ministerial Departments of the State Government have had the same under careful consideration as well as the various resolutions which have been referred to them by the Convention and has instructed me to make the following report and recommend its adoption as Article——— of the revised and amended Constitution of the State of Missouri. They also instruct me to say further, that they have made no provision in the proposed article for the election of sheriffs or coroners in the different counties of the State, considering that the duty of providing for the election of sheriffs and prescribing their qualifications properly belongs to the Committee on the Executive and Ministerial Officers of Counties and Municipal Corporations.

REPORT OF COMMITTEE ON EXECUTIVE AND MINISTERIAL DEPARTMENTS OF THE STATE GOVERNMENT.

ARTICLE———

Section 1. The Executive Department shall consist of a Governor, Lieutenant-Governor, Secretary of State, Auditor of Public Accounts, Treasurer, Superintendent of Public Schools, and Attorney-General, all of whom, except the Lieutenant-Governor, shall reside at the seat of government, during their term of office, and keep the public records, books and papers there and shall perform such duties as may be prescribed by law.

Section 2. The term of office of the Governor, Lieutenant-Governor, Secretary of State, State Auditor and Attorney-General shall be four years from the second Monday of January next after election, and until his successor is elected and qualified. An election for said officers under this Constitution shall be held at the general election on the first Tuesday after the first Monday in November in the year eighteen hundred and seventy-six, and every four years thereafter and for Superintendent of Public Schools on Tuesday next after the first Monday in November in the year eighteen hundred and seventy-eight and every four years thereafter, and for Treasurer on the first above mentioned, and every two years thereafter, at such places and in such manner as may be prescribed by law.

Section 3. The returns of every election for the above named offices shall be sealed up and transmitted by the returning officers to the Secretary of State, directed to the Speaker of the House of Representatives, who shall immediately after the organization of the House and before proceeding to the business, open and publish the same in the presence 125] of a majority of each house of the General Assembly, who shall for that purpose assemble in the hall of the House of Representatives. The person having the highest number of votes for either of said offices shall be declared duly elected, but if two or more shall have an equal and the highest number of votes, the General Assembly shall by joint vote choose one of such persons for said office. Contested elections for all of said offices shall be determined by both houses of the General As-

sembly by joint vote, in such manner as may be prescribed by law. The Governor shall be ineligible for four years in every period of eight years after his election.

Section 4. The supreme executive power shall be vested in a chief magistrate who shall be styled "The Governor of the State of Missouri."

Section 5. The Governor shall be at least thirty-five years old, a male citizen of the United States ten years, and a resident of this State seven years next before his election.

Section 6. The Governor shall take care that the laws be distributed, and are faithfully executed; and he shall be a conservator of the peace throughout the State.

Section 7. The Governor shall be commander-in-chief of the militia of this State, except when they shall be called into the service of the United States, and may call out the same to execute the laws, suppress insurrection and repel invasion; but he need not command in person, unless directed so to do by a resolution of the General Assembly.

Section 8. The Governor shall have the power, by and with the advice and consent of any two of the officers of the Executive Department, to grant reprieves, commutations and pardons, after conviction for all offenses, except treason and cases of impeachment, upon such conditions and with such restrictions and limitations as he may think proper and subject to such regulations as may be provided by law relative to the manner of applying for pardons. He shall at such session of the General Assembly communicate to that body each case of reprieve, commutation or pardon granted, stating the name of the convict, the crime of which he was convicted, the sentence and its date, the date of the commutation, pardon or reprieve, and the reason for granting the same.

Section 9. The Governor shall, from time to time, give the General Assembly information relative to the state of the government, and shall recommend to their consideration such measures as he shall deem necessary and expedient. On extraordinary occasions he may convene the General Assembly by proclamation, wherein he shall state specially each matter concerning which the action of that body is deemed necessary, and the General Assembly shall have no power when so convened, to 126] act upon any matter not stated in the proclamation, or recommended by special message to its consideration by the Governor, after it shall have been convened.

Section 10. The Governor shall at the commencement of each session of the General Assembly, and at the close of his term of office give information by message, of the condition of the State, and shall recommend such measures as he shall deem expedient. He shall account to the General Assembly, and accompany his message with a statement of all moneys received and paid out by him from any funds subject to his orders, with the vouchers, and, at the commencement of each regular session, present estimates of the amount of money required to be raised by taxation for all purposes.

Section 11. In case of a disagreement between the two houses with respect to the time of adjournment the Governor may, on the same being certified to him, by the house first moving the adjournment, adjourn

the General Assembly to such time as he thinks proper, not beyond the first day of the next regular session.

Section 12. When any office shall become vacant, the Governor, unless otherwise provided by law, shall appoint a person to fill such vacancy who shall continue in office until a successor shall be duly elected, or appointed, and qualified according to law.

Section 13. The Governor shall have power to remove any officer whom he may appoint in case of incompetency, neglect of duty or malfeasance in office; and he may declare his office vacant, and fill the same as herein provided in other cases of vacancy.

Section 14. Every bill which shall have been passed by both houses of the General Assembly, before it becomes a law, shall be presented to the Governor. If he approve, he shall sign it; if not, he shall return it, with his objections, to the house in which it first originated; and the house shall cause the objections to be entered at large on its journals, and shall proceed to reconsider the bill. After such reconsideration if two-thirds of the members elected to that house shall agree to pass the same, it shall be sent together with the objections to the other house by which it shall likewise be reconsidered and if approved by two-thirds of all the members elected to that house, it shall become a law. In all such cases the votes of both such houses shall be taken by yeas and nays, and the names of the members voting for and against the bill shall be entered on the journals of each house respectively. If any bill shall not be returned by the Governor within ten days (Sundays excepted) after it shall have been presented to him, the same shall **127**] become a law, in like manner as if the Governor had signed it, unless the General Assembly by its adjournment, shall prevent its return, in which case it shall not become a law, unless the Governor, after such adjournment, and within ten days after the bill was presented to him (Sundays excepted) shall sign and deposit the same in the office of the Secretary of State, in which case it shall become a law, in like manner as if it had been signed by him during the session of the General Assembly. If any bill presented to the Governor contain several items of appropriation of money, he may object to one or more items while approving the other portions of the bill. In such case he shall append to the bill at the time of signing it a statement of the items to which he objects, and the appropriations so objected to shall not take effect. If the Legislature be in session, he shall transmit to the house in which the bill originated, a copy of such statement, and the items objected to shall be separately reconsidered. If on reconsideration one or more of such items be approved by two-thirds of the members elected to each house, the same shall be part of the law, notwithstanding the objections of the Governor. All the provisions of this section in relation to bills not approved by the Governor, shall apply in cases in which he may withhold his approval from any item or items contained in a bill appropriating money.

Section 15. Every resolution to which the concurrence of the Senate and House of Representatives may be necessary, except on questions of adjournment, or going into joint session, and of amending this Consti-

tution, shall be presented to the Governor; and before the same shall take effect, shall be proceeded upon in the same manner as in the case of a bill, *provided, however*, that no resolution shall have the effect to repeal, extend or alter or amend any law.

Section 16. The Lieutenant-Governor shall possess the same qualifications as the Governor and by virtue of his office shall be President of the Senate. In Committee on the Whole he may debate on all questions, and when there is an equal division, shall give the casting vote in the Senate, and also in joint vote of both houses.

Section 17. In case of death, conviction on impeachment, failure to qualify, resignation, absence from the State, or other disability of the Governor, the powers, duties and emoluments of the office for the residue of the term or until the disability shall be removed, shall devolve upon the Lieutenant-Governor.

Section 18. The Senate shall choose a President *pro tempore* to preside in case of the absence or impeachment of the Lieutenant-Governor or when he shall hold the office of Governor. If there be no Lieutenant-
128] Governor, or if the Lieutenant-Governor shall for any of the causes specified in section seventeen of this article, become incapable of performing the duties of the office, the President of the Senate shall act as Governor until the vacancy is filled or the disability removed; and if the President of the Senate for any of the above named causes shall become incapable of performing the duties of Governor, the same shall devolve on the Speaker of the House of Representatives, in the same manner and with the same powers and compensation, as are prescribed in the case of the office devolving on the Lieutenant-Governor.

Section 19. The Lieutenant-Governor or the President of the Senate *pro tempore*, while presiding in the Senate, shall receive the same compensation as shall be allowed to the Speaker of the House of Representatives.

Section 20. No person shall be eligible to the office of Secretary of State, Auditor of Public Accounts, Treasurer, Superintendent of Public Schools, or Attorney-General unless he be a male citizen of the United States and at least twenty-five years old, and shall have resided in this State at least five years next before his election.

Section 21. The Secretary of State shall be the custodian of the seal of State and shall authenticate therewith all official acts of the Governor, his approbation of laws excepted. The said seal shall be called the "Great Seal of the State of Missouri;" and the emblems and devices thereof heretofore prescribed by law, shall not be subject to change.

Section 22. The Secretary of State shall keep a register of the official acts of the Governor and when necessary shall attest them, and shall lay copies of the same together with copies of all papers relative thereto, before either house of the General Assembly whenever required to do so.

Section 23. An account shall be kept by the officers of the Executive Department, and of all the public institutions of the State, of all moneys and choses in action received and all moneys and choses in action disbursed or otherwise disposed of by them, severally, from all sources and for every service performed, and a semi-annual report thereof shall

be made to the Governor under oath. The Governor may at any time require information in writing under oath from the officers of the Executive Department and all officers and managers of State institutions upon any subject relating to the condition, management, and expenses of their 129] respective offices and institutions and any officer who at any time makes a false report shall be guilty of perjury and punished accordingly.

Section 24. The Governor shall commission all officers not otherwise provided for by law. All commissions shall run in the name and by the authority of the State of Missouri, be sealed with the State seal, signed by the Governor and attested by the Secretary of State.

Section 25. The officers named in this article shall receive for their service a salary, to be established by law, which shall not be increased or diminished during their official terms, and they shall not, after the expiration of the terms of those in office at the adoption of this Constitution, receive to their own use any fees, costs, perquisites of office, or other compensation. And all fees that may hereafter be payable by law for any service performed by any officer provided for in this article of the Constitution shall be paid in advance into the State treasury.

Section 26. An office is a public position created by the Constitution or law, continuing during the pleasure of the appointing power, or for a fixed time, with a successor elected or appointed, and employment is an agency for a temporary purpose, which ceases when that purpose is accomplished.

which was read and on motion laid over informally and one hundred copies ordered printed.

Mr. Nickerson asked for leave of absence for Mr. Dryden, which was granted.

The special order, being the consideration of the Preamble and Bill of Rights, was taken up.

The President declared that in pursuance of the motion of Mr. Halliburton, agreed to yesterday, the Convention would now go into Committee of the Whole for the further consideration of the Preamble and Bill of Rights.

Mr. Switzler in the chair.

Mr. Norton moved that the Committee rise, report progress and ask leave to sit again at 2 o'clock this afternoon.

Mr. Massey moved to amend by inserting "9 o'clock tomorrow," which was not agreed to.

The question recurring on agreeing to the motion of Mr. Norton, it was agreed to.

The President took the chair and called the Convention to order.

Mr. Switzler, chairman of the Committee of the Whole to which was referred the Preamble and Bill of Rights, re-
130] ported that the Committee have had the same under consideration and instructed him to report progress, but arrived at no definite action and asked leave to sit again at 2 o'clock this afternoon. Leave was granted.

Mr. Pulitzer asked leave of absence for Mr. Todd, which was granted.

Mr. Edwards of Iron presented a petition from the citizens of Iron county in relation to public schools, which was read and on motion referred to the Committee on Education.

On motion of Mr. Priest the Convention adjourned until 2 o'clock p. m.

AFTERNOON SESSION

The Convention met pursuant to adjournment, the President in the chair.

The special order, being the consideration of the Preamble and Bill of Rights, was taken up.

The hour of two o'clock having arrived the President announced that in pursuance of leave granted at the morning session, the Convention would now go into Committee of the Whole for the further consideration of the Preamble and Bill of Rights, Mr. Switzler in the chair.

Mr. Rider moved that the Committee rise, report progress and ask leave to sit again, which was agreed to.

The President took the chair and called the Convention to order.

Mr. Switzler, chairman of the Committee of the Whole, to which was referred the Preamble and Bill of Rights, reported that the Committee has had the same under consideration and instructed him to report progress, but had arrived at no definite action and asked leave to sit again. Leave was granted.

Mr. Shields moved that the Committee have leave to sit again tomorrow at 9 o'clock a. m., which was agreed to.

On motion of Mr. Roberts the Convention adjourned until tomorrow, 8 o'clock and 45 minutes a. m.

131] SATURDAY, MAY 22, 1875

MORNING SESSION

The Convention met pursuant to adjournment, the President in the chair.

Prayer by the Rev. Mr. Prottsman.

The journal of yesterday was read and approved.

Mr. Rucker asked leave of absence for Mr. Switzler for two days, which was granted.

Mr. Chrisman asked leave of absence for Mr.Black for three days, which was granted.

Mr. Cottey asked leave of absence for Mr. Farris, which was granted.

Mr. Nickerson presented a remonstrance from certain citizens of Benton, Henry, Johnson, and Pettis counties against engrafting a clause in the new Constitution that:

> No county shall be divided nor territory taken from any county without the majority of the legal voters so agree.

which was read and on motion referred to the Committee on Boundaries and Political Subdivisions of the State.

The President read a communication from Hon. S. D. Houston, a member of the Constitutional Convention of 1859 of the State of Kansas, which was on motion referred to the Committee on Revenue and Taxation.

The hour of 9 o'clock having arrived, the President announced that in pursuance of the motion of Mr. Shields on yesterday the Convention would now go into Committee of the Whole for the further consideration of the Preamble and Bill of Rights.

Mr. Pulitzer in the chair.

Mr. Norton moved that the Committee rise, report

progress and ask leave to sit again at 10 o'clock Monday morning, which was agreed to.

The President took the chair and called the Convention to order.

Mr. Pulitzer, chairman of the Committee of the Whole, to which was referred the Preamble and Bill of Rights, reported that the Committee has had the same under consideration and instructed him to report progress, but had arrived at no definite action, and asked leave to sit again Monday at 10 o'clock a. m. Leave was granted.

On motion of Mr. Lay the Convention adjourned until Monday, 9 o'clock a. m.

132] MONDAY, MAY 24, 1875

MORNING SESSION

The Convention met pursuant to adjournment, the President in the chair.

Prayer by the Rev. Mr. Parker.

The journal of Saturday was read and approved.

On motion of Mr. Holliday, leave of absence was granted Mr. Lackland for two days.

On motion of Mr. Crockett, leave of absence was granted Mr. Taylor of Jasper for two days.

On motion of Mr. Alexander, leave of absence was granted to Mr. McCabe.

Mr. Crews presented the following Memorial from certain citizens of Franklin county:

TO THE MEMBERS OF THE CONSTITUTIONAL CONVENTION OF MISSOURI OF 1875.

Gentlemen of the Convention:

The undersigned citizens of the State of Missouri, having learned from long experience the inconvenience and hardship imposed upon the people arising from conflicting and uncertain statute laws, too often the result of hasty enactments and as hasty repeals, so that neither the formal nor effective operations of our laws can scarcely be kept pace with, even by our most eminent lawyers, saying nothing of other classes

equally affected whose location prevents them from giving attention to the laws affecting their most common rights, and believing as we do that the primary cause of the uncertainties and inconveniences complained of are caused by the law making power.

To the end, therefore, that the people of this State should have an opportunity to test by trial and experience of greater duration whether the operative or effective laws are good or bad; and sound and reasonable laws shall be enacted; and that men of experience and sound discretion shall be chosen to frame wholesome and salutary laws; and to prevent hasty and vindictive legislation which unavoidably follow the alternate success of the political parties; and that onerous taxation incident to the unnecessary annual meeting of the General Assembly shall be avoided, Pray that you, who have been chosen to revise and amend the Consti-
133] tution of this State, will so revise and amend the present Constitution in respect to Legislative and Executive Departments of the State Government, so that each Governor hereafter to be elected, shall hold his office four years, and until a successor shall be duly elected and qualified instead of for two years, as is now provided; and that the House of Representatives shall consist of members to be chosen every fourth year by the qualified voters of the several counties, instead of every second year as now provided. And that the General Assembly shall meet in regular session once in every four years and not oftener unless convened by the Governor in necessary cases.

And your petitioners as in duty bound will ever pray.

which was read and on motion referred to the Committee on Executive and Ministerial Departments of the State Government.

Mr. Hale presented the following petition from certain citizens of Livingston county:

To the President and Members of the Constitutional Convention of the State of Missouri, now in session.

The undersigned petitioners would most respectfully represent to your honorable body now forming the fundamental law of the State, That we are residents of the county of Livingston, owners of real estate, and taxpayers of said county, paying city, State and county taxes, that we desire to see incorporated in the new Constitution now forming the principle: That no taxes shall be voted upon taxpayers by persons who pay no taxes; that no bonds of indebtedness shall be issued in any city township or county, except where the same are imposed by a two-thirds majority vote of the taxpayers; that taxpayers shall have a vote on questions of taxation, if minors, by guardian and persons of full age in person or by power of attorney, without reference to sex; that we are clearly of opinion that no protection to property is afforded the citizen taxpayer where irresponsible non-taxpayers can vote a heavy debt on the property holders and taxpayers, and this often in matters of very questionable utility; that such voting is only a mode of confiscation utterly at var-

iance with good government and the properly established rights of property. We, therefore, ask some conservative features in the new Constitution giving better assurance of protection to property, and as in duty bound will ever pray, etc.

which was read and on motion referred to the Committee on Revenue and Taxation.

On motion of Mr. Gottschalk, leave of absence was granted to Mr. Broadhead.

Mr. Massey moved that a committee of three be ap-
134] pointed by the President, whose duty it shall be to examine the book journal, as written up from day to day, and report to this Convention, which was adopted.

Thereupon the President announced the appointment of the following named members, as such committee.—B. F. Massey, E. H. Norton, T. J. Johnston.

On motion of Mr. Maxey the Convention resolved itself into Committee of the Whole for the further consideration of the Preamble and Bill of Rights.

Mr. Gottschalk in the chair.

At 5:30 p. m., Mr. Shields moved that the Committee rise, report progress and ask leave to sit again, which was agreed to.

The President took the chair and called the Convention to order.

Mr. Gottschalk, chairman of the Committee of the Whole, to which was referred the Preamble and Bill of Rights reported that the Committee has had the same under consideration and instructed him to report progress, but arrived at no definite action and asked leave to sit again.

Mr. Shields moved that the Committee have leave to sit again tomorrow at 9 o'clock a. m., which was granted.

On motion of Mr. Spaunhorst the Convention adjourned until tomorrow at 8 o'clock and 45 minutes a. m.

TUESDAY, MAY 25, 1875

The Convention met pursuant to adjournment, the President in the chair.

Prayer by the Rev. Mr. Barrett.

The journal of yesterday was read and approved.

Mr. Holliday offered the following resolution:

Resolved, That hereafter no member of the Committee of the Whole, shall be allowed to speak longer than ten minutes at a time on any proposition except by unanimous consent of the Committee, *provided*, this rule shall only apply to the Committee of the Whole.

which was read and adopted.

The hour of 9 o'clock having arrived, the President announced that in pursuance of the motion of Mr. Shields on yesterday, the Convention would now resolve itself into Committee of the Whole for the further consideration of the Preamble and Bill of Rights.

135] Mr. Gottschalk in the chair at 5 o'clock p. m.

Mr. Lackland moved that the Committee rise, report progress and ask leave to sit again, which was agreed to.

The President took the chair and called the Convention to order.

Mr. Gottschalk, chairman of the Committee of the Whole, to which was referred the Preamble and Bill of Rights, reported that the Committee has had the same under consideration, and instructed him to report back to the Convention, Section seventeen of the Bill of Rights as submitted by the Committee on Preamble to the Constitution and Bill of Rights, with the recommendation that it be referred to the Committee on Revenue and Taxation, and instructed him further to report progress, but had arrived at no definite action and asked leave to sit again.

On motion of Mr. Spaunhorst that part of the report of the Committee referring to Section seventeen of the Bill of Rights was referred to the Committee on Revenue and Taxation.

Mr. Letcher offered the following resolution:

Resolved, That the Committee on Federal Relations be and is hereby instructed to inquire into the expediency of incorporating a provision in the Constitution to the following effect: That the union of the states under the Constitution of the United States and the independence of the several states as respects the rights of local self-government, cannot subsist, the one without the other, and therefore the powers vested by the Constitution in the government or in any department or office of this State, shall not be construed to disparage or deny the relations of the State to the Union, as a co-equal member of the same, nor the allegiance due from citizens of the State to the government of the United States under the Constitution thereof.

which was read and on motion referred to the Committee on Federal Relations.

Mr. Rippey presented the following petition from various citizens of the State:

To the Honorable Speaker and Members of State Constitutional Convention While in Convention Assembled.

Your petitioners, citizens and taxpayers of your State, would respectfully represent that they desire to have embodied in the Constitution of the State of Missouri in substance the following resolution: 136] Resolved, That the Legislature shall have power to pass laws regulating, restricting or prohibiting the manufacture or the traffic in intoxicating liquors, and to that end may confiscate all liquors manufactured or sold in violation of its acts.

which was read and on motion referred to the Committee on Legislative Department.

Mr. Johnson offered the following resolution:

Resolved, That the Committee on Elections and Electors be instructed to inquire into the expediency of incorporating into the revised Constitution as a qualification of the right to the elective franchise the following: That hereafter no person in the State, otherwise qualified as an elector, shall be entitled to vote at any election authorized by law unless the person offering to vote shall have paid all taxes assessed against him which he was legally liable to pay, for the year next preceding that on which such person offers to vote.

which was read and on motion referred to the Committee on Elections and Electors.

Mr. Shields asked that the Committee of the Whole have leave to sit again tomorrow at 9 o'clock a. m., which was granted.

On motion of Mr. Roberts the Convention adjourned until tomorrow at 8:30 a. m.

WEDNESDAY, MAY 26, 1875

MORNING SESSION

The Convention met pursuant to adjournment, the President in the chair.

The journal of yesterday was read and approved.

Mr. Holliday rose to a question of privilege and stated that the report in the *State Journal* of the proceedings of the Convention of yesterday, misrepresented him in the question of imprisonment for debt, that he was not in favor of that policy and offered no resolution advocating it.

Mr. Todd rose to a question of privilege in relation to proceedings in the *State Journal* and stated that none of the amendments offered by him yesterday on the subject of imprisonment for debt were to subject a debtor to imprisonment because he would not disclose concealed property to **137**] be subjected to the satisfaction of his debts.

Mr. Gottschalk offered the following resolution:

> Resolved, That a special committee of seven be appointed by the President, whose duty it shall be to take into consideration all those articles and propositions upon which a separate vote of the people may be desired, such committee to be styled the Committee on Propositions Separately to be Submitted.

which was read and adopted.

On motion of Mr. Gottschalk the Convention resolved itself into Committee of the Whole for the further consideration of the Preamble and Bill of Rights.

Mr. Spaunhorst in the chair.

Mr. Pulitzer moved that the Committee rise, report progress and ask leave to sit again, which was agreed to.

The President took the chair and called the Convention to order.

Mr. Spaunhorst, chairman of the Committee of the Whole, to which was referred the Preamble and Bill of Rights, reported that the Committee has had the same under consideration and instructed him to report progress,

but arrived at no definite action and asked leave to sit again at 9 o'clock tomorrow. Leave was granted.

On motion of Mr. Norton, the report of the Committee on Representation, Representative and Senatorial Districts was taken up.

The further consideration was postponed and made special order for tomorrow at 2 o'clock p. m.

Mr. Alexander asked leave of absence for Mr. Wallace, which was granted.

Mr. Lackland asked leave of absence for Mr. Shields for two days, and for Mr. Mortell for half a day, which was granted.

On motion of Mr. Pulitzer, the Convention adjourned until tomorrow, 8 o'clock and 45 minutes a. m.

THURSDAY, MAY 27, 1875

MORNING SESSION

The Convention met pursuant to adjournment, the President in the chair.

Prayer by Rev. Mr. C. C. Woods.

The journal of yesterday was read and approved.

138] Mr. Broadhead offered the following resolution:

> Resolved, That Messrs. Walbridge, Holland and Brown be authorized to transcribe the debates of this Convention from their shorthand notes on the terms heretofore proposed by them, the cost thereof to be paid out of the contingent fund of appropriation for the expenses of the Convention.

which was read and adopted.

Mr. Rider asked leave of absence for the sergeant-at-arms, Mr. Carr, on account of sickness, which was granted.

On motion of Mr. Pulitzer, the Convention resolved itself into Committee of the Whole for the further consideration of the Preamble and Bill of Rights.

Mr. Spaunhorst in the chair.

The President resumed the chair, and called the Convention to order.

Mr. Spaunhorst, chairman of the Committee of the Whole, to which was referred the Preamble and Bill of Rights, reported that the Committee has had the same under consideration and instructed him to report progress, but arrived at no definite action and asked leave to sit again. Leave was granted.

Mr. Broadhead moved that the Convention go into Committee of the Whole on Tuesday, June 1st, at 10 o'clock a. m. for the further consideration of the Preamble and Bill of Rights, which was agreed to.

On motion of Mr. Pulitzer, the Convention took a recess until 2 o'clock p. m.

AFTERNOON SESSION

The hour of recess having expired, the President called the Convention to order.

Mr. Ray offered the following as additional sections to the Bill of Rights:

Section 1. The right of trial by jury shall never be abolished or denied.

Section 2. No law granting any right, privilege or immunity perpetual in its character shall be passed; neither shall any law granting a right, privilege or immunity be passed that may not be repealed.

Section 3. The largest majorities have not the prerogative to deprive the smallest minorities of any right.

139] Section 4. There can be no interest at war with the interest of the majority, for the best interest of the majority is the true interest of the whole; therefore all grants of power or privilege, not in the interest of the majority, are in their nature void.

which was read and on motion ordered printed and referred to the Committee of the Whole on next Tuesday at 10 o'clock a. m.

Mr. Adams offered the following as a new section to the Preamble and Bill of Rights:

Section—. That the right of trial by jury as heretofore enjoyed ought to remain inviolate. But a jury for trial of criminal or civil cases

in courts not of record, may consist of less than twelve men as may be prescribed by law. Hereafter a grand jury shall consist of twelve men, any nine of whom concurring may find an indictment or a true bill; and it shall be the duty of the grand jury in each county at least once a year, to investigate the official acts of all officers handling public funds and report the same to the court.

which was read and on motion of Mr. McAfee ordered printed and referred to the Committee of the Whole when considering the Preamble and Bill of Rights next Tuesday, June 1st, at 10 o'clock a. m.

Mr. Letcher offered the following, to be added as a new section to the Preamble and Bill of Rights:

That no person shall be deprived of life, liberty or property without due process of law.

which was read and on motion ordered printed and referred to the Committee of the Whole on Tuesday, June 1st, at 10 o'clock a. m.

Mr. Crews offered the following as a new section to be added to the Preamble and Bill of Rights:

No money shall be drawn from the treasury but in consequence of appropriations made by law, and a regular statement and account of the receipts and expenditures of all public money shall be published from time to time.

which was read and on motion ordered printed and referred to the Committee of the Whole on Preamble and Bill of Rights, Tuesday, June 1st, at 10 o'clock a. m.

Mr. Todd offered the following as an amendment to be added to the Bill of Rights:

That no condition of any gift, grant, devise, assignment or transfer of money, property or chose in action, for, and in behalf of, any charity, **140**] religion, charitable, educational or religious use shall be valid, that shall require the use, application or enjoyment thereof, in the location, kind or condition thereof, as when given, granted, devised, assigned or transferred; *provided, however*, that no proceeds or profits thereof shall be removed from this State and in the case of the failure, non-user or lapse, of the use, the property, assets and effects of the use, shall escheat to the State.

which was read and on motion ordered printed and referred to the Committee of the Whole on Preamble and Bill of Rights, Tuesday, June 1st, at 10 o'clock a. m.

Mr. Lackland offered the following as amendments to added to the Bill of Rights:

Section—. That no title of nobility or hereditary emoluments, privilege, or distinction shall be granted.

Section—. That the people have the right peaceably to assemble for their common good and to apply to those vested with the powers of government for redress of grievances by petition or remonstrances.

which was read and on motion ordered printed and referred to the Committee of the Whole, Tuesday, June 1st, at 10 o'clock a. m.

Mr. Carleton offered the following as an additional section to be added to and incorporated in the Bill of Rights:

That real estate valuable only for agricultural purposes ought not to be subject to taxation for the benefit of municipalities.

which was read and on motion ordered printed and referred to the Committee of the Whole, Tuesday, June 1st, at 10 o'clock a. m.

The special order being the consideration of the amendment recommended by the minority to the report of the majority of the Committee on Representation, Representative and Senatorial Districts, it was taken up.

The President declared that the Convention in pursuance of a previous motion, would now go into Committee of the Whole for the consideration of the report of the Committee on Representation, Representative and Senatorial Districts, and the amendment recommended by the minority of said Committee, Mr. Pipkin in the chair.

141] The President resumed the chair and called the Convention to order.

Mr. Pipkin, chairman of the Committee of the Whole, to which was referred the report of the Committee on Representation, Representative and Senatorial Districts and the amendments recommended by the minority of said Committee, reported that the Committee has had the same under consideration and instructed him to report progress but arrived at no definite action and asked leave to sit again at 9 o'clock a. m. tomorrow. Leave was granted.

The President announced the following Committee on Propositions Separately to be Submitted—Gottschalk, McAfee, Farris, Watkins, Norton, Hyer, and Wagner.

On motion of Mr. Cottey, the Convention adjourned until tomorrow, 9 o'clock a. m.

FRIDAY, MAY 28, 1875

MORNING SESSION

The Convention met pursuant to adjournment, the President in the chair.

Prayer by the Rev. Mr. Dulin.

The journal of yesterday was read and approved.

Mr. Mortell offered the following resolution:

Resolved,

1. That the Committee on Judicial Department be and is hereby respectfully requested to inquire into the feasibility of abolishing death for the crime of murder in the first degree, and to further inquire as follows:

2. That in lieu of said punishment of death the party found guilty of the crime of murder in the first degree ought to be imprisoned in the penitentiary of this State during his natural life.

3. For the crime of murder in the first degree, when a conviction thereof has been had, the Governor of this State is prohibited from exercising an executive power or pardoning such convict for murder.

4. In all trials for murder the court having criminal jurisdiction 142] shall preserve as a part of its record a full and complete report of all the evidence in the case, which evidence shall be taken down during the trial by a stenographic or photographic reporter as the judge of said court shall see fit to appoint either, and the same when transcribed and sworn to by the one taking the same before said judge and certified to by the prosecuting attorney in charge of said case and by the counsel of the accused as well as by the judge before whom the case was tried. The same shall be preserved among and shall form a part of the record of said court.

5. At any time after a person shall have been imprisoned for life (being for murder in the first degree) and facts shall have been discovered tending to prove his innocence of the crime of murder as aforesaid, then it may be embodied in the shape of affidavits to the facts, which affidavits shall be submitted to the Supreme Court of this State as well as the certified record of the court before whom the accused was tried, which certificate shall have attached a truthful copy of the original of all evidence heard and the instructions given by the court concerning such

crime where the party was convicted, and if the court upon examination of such testimony and affidavits shall be of opinion that the case should again be tried it shall make an order to that effect.

6. Such new trial when ordered by the Supreme Court shall be ordered without delay in the county and court where the conviction was had.

7. At such new trial all of the testimony shall, as taken in the case, and certified as aforesaid, if the witness be not living, be read in evidence at such trial both for the State and defendant.

8. Should such party on a new trial be acquitted he shall at once be discharged from imprisonment, but if he be again convicted he shall be remanded to imprisonment during his life time.

which was read and on motion of Mr. Ray referred to the Committee on Judicial Department.

Mr. Broadhead, by consent, read the following telegram:

St. Louis, Mo., May 28, 1875.

Hon. Jas. O. Broadhead,
Jefferson City, Mo.

Tender to the Convention the use of the Temple for three months free, fully equipped, desks and janitors.

Geo. W. Ford.

143] Mr. Lackland asked leave of absence for Mr. McKee, which was granted.

Mr. Dysart asked leave of absence for Mr. Rippey, which was granted.

The hour of 9 o'clock having arrived, the President announced that in pursuance of leave granted yesterday, the Convention would now go into Committee of the Whole for the consideration of the amendment recommended by the minority of the Committee on Representation, Representative and Senatorial Districts, to the report of the Committee. The President resumed the chair and called the Convention to order.

Mr. Alexander, chairman of the Committee of the Whole, to which was referred the amendment recommended by the minority of the Committee on Representation, Representative and Senatorial Districts to the report of the Committee, reported that the Committee has had the same under consideration and instructed him to report progress, but arrived at no definite action and asked leave to sit again at 2 o'clock p. m. Leave was granted.

Mr. Lay presented the credentials of Mr. Horace B. Johnson—elected a member from the twenty-seventh senatorial district to fill a vacancy occasioned by the death of Hon. T. J. Kelley.

On motion, Mr. Johnson came forward and was sworn in by the Hon. R. W. Fyan, Judge of the Fourteenth judicial circuit.

Mr. Crews presented a communication from Hon. Augustus W. Alexander in relation to punishments and charities. On motion the reading was dispensed with and referred to the Committee on Miscellaneous Provisions.

On motion of Mr. Wagner, the Convention took a recess until 2 o'clock p. m.

AFTERNOON SESSION

The hour of recess having expired, the President called the Convention to order.

Mr. Dryden offered the following resolution:

> Resolved, That the Committee of the Whole consider the expediency of incorporating into the Bill of Rights a provision substantially as follows: No person shall suffer capital punishment who shall have been convicted upon circumstantial evidence alone.

which was read and on motion referred to the Committee of the Whole on Preamble and Bill of Rights, Tuesday, June 1st, at 10 o'clock a. m.

144] The President announced that the Convention would now go into Committee of the Whole for the Consideration of the amendments to the report of the Committee on Representation, Representative and Senatorial Districts recommended by the minority of said Committee.

Mr. Alexander, chairman of the Committee of the Whole, to which was referred the amendment recommended by the minority of the Committee on Representation, Representative and Senatorial Districts to the report of the Committee, reported that the Committee has had the same under consideration and instructed him to report progress,

but had arrived at no definite action and asked leave to sit again. Leave was granted.

Mr. Adams asked leave of absence for Messrs. Shackelford and Ross of Morgan, which was granted.

Mr. Massey asked leave of absence for Mr. Norton, which was granted.

Mr. Edwards of Iron, asked leave of absence for Mr. Pipkin, which was granted.

Mr. Brockmeyer moved that when the Convention adjourns, it adjourn until next Tuesday at 9 o'clock a. m., which was agreed to.

Mr. Brockmeyer moved that the Convention go into Committee of the Whole on Monday, June 7, 1875, for the further consideration of the report of the Committee on Representation, Representative and Senatorial Districts, which was agreed to.

Mr. Todd offered the following resolution:

Resolved, That the Secretary of State be requested to furnish to the Convention a map of the State, with county sub-divisions on as large a scale as he can conveniently, to be hung up in the hall of the Convention.

which was read and adopted.

On motion of Mr. Mortell the Convention adjourned.

TUESDAY, JUNE 1, 1875

MORNING SESSION

The Convention met pursuant to adjournment, the President in the chair.

145] Prayer by the Rev. Mr. Parker.

The journal of Friday, May 28th, was read and approved.

On motion of Mr. Holliday, leave of absence was granted Mr. Lackland.

Mr. Massey moved to reconsider the vote by which the Committee of the Whole was allowed to sit again at 10

o'clock a. m. for the further consideration of the Preamble and Bill of Rights and that the same be taken up and considered by the Convention, which was not agreed to.

At 9:30 a. m., on motion of Mr. Shields, the Convention resolved itself into Committee of the Whole for the further consideration of the Preamble and Bill of Rights.

At 3:40 p. m. the President resumed the chair and called the Convention to order.

Mr. Switzler from the Committee of the Whole submitted the following report:

Mr. President

I am instructed by the Committee of the Whole to whom was referred the Preamble and Bill of Rights to report that they have had the same under consideration, according to order, and instructed me to report they have adopted the Bill of Rights with the following amendments which they recommend be passed by the Convention, and that they be discharged from the further consideration of the subject.

Wm. F. Switzler, *Chairman.*

Mr. Boone asked leave of absence for Messrs. Roberts and Taylor of St. Louis, which was granted.

Mr. Fyan asked leave of absence for Messrs. McAfee and Wagner, which was granted.

Mr. Shanklin asked leave of absence for Mr. Hale, which was granted.

The Convention then took up the Preamble and Bill of Rights with the amendments recommended by the Committee of the Whole.

Section one was read. The following substitute was recommended by the Committee of the Whole for Section one:

1. That all political power is vested in and derived from the people: that all government of right originates from the people, is founded upon their will and is instituted solely for the good of the whole.

which was read and adopted.

146] Section two was read. The following substitute was recommended by the Committee of the Whole for Section two:

2. That the people of this State have the inherent, sole and exclusive right to regulate the internal government and police thereof, and

of altering and abolishing their Constitution and form of government, whenever it may be necessary to their safety and happiness. That Missouri is a free and independent State subject only to the Constitution of the United States; and as the preservation of the states and the maintenance of their governments are necessary to an indestructible union and were intended to co-exist with it, the Legislature is not authorized to adopt, nor will the people of this State ever assent to, any amendment or change of the Constitution of the United States which may in any wise impair the right of local self-government belonging to the people of this State.

Mr. Johnson of Cole offered the following amendment to the substitute:

Amend by striking out the words, "and form of government," in the third line.

which was read and not agreed to.

Mr. Fyan offered the following amendment to the substitute:

Amend by striking out the entire section.

which was read and not agreed to.

Mr. Shields offered the following amendment to the substitute:

Amend the substitute by striking out all after the word "happiness" in the fourth line and insert the following: "but every such right should be exercised in pursuance of law and consistently with the Constitution of the United States. That this State shall ever remain a member of the American Union, that the people thereof are a part of the American Nation. That every citizen of the State owes paramount allegiance to the Constitution of the United States. And that no law or ordinance of this State in contravention or subversive thereof can have any binding force."

Mr. Holliday called for a division of the question.

The question being upon the motion to strike out certain words, Messrs. Eitzen and Holliday demanded the ayes and noes.

The motion to strike out was not agreed to by the following vote:

AYES

147] Boone, Eitzen, Fyan, Gantt, Johnston of Nodaway, McKillop, Mudd, Ross of Polk, Shields — 9

NOES

Adams	Crockett	Hardin	Nickerson	Shanklin
Allen	Davis	Holliday	Norton	Spaunhorst
Alexander	Dysart	Hyer	Pipkin	Switzler
Black	Edwards	Johnson	Priest	Taylor
Bradfield	of Iron	of Cole	Pulitzer	of Jasper
Brockmeyer	Edwards	Lay	Rider	Todd
Carleton	of St. Louis	Mabrey	Rippey	Wallace
Chrisman	Farris	Massey	Ross	Watkins
Conway	Halliburton	Maxey	of Morgan	Mr. President
Cottey	Hammond	McCabe	Rucker	45
Crews				

ABSENT WITH LEAVE

Broadhead	Hale	McKee	Shackelford	of St. Louis
Dryden	Letcher	Lackland	Taylor	Wagner 12
Gottschalk	McAfee	Roberts		

ABSENT

Mortell	Ray	2

Mr. Pulitzer asked leave of absence for Mr. Gottschalk, which was granted.

Mr. Dysart offered the following amendment:

Amend by dividing the second Section, so as to make two sections thereof, the first to end with the word "happiness" in the fourth line and the remainder thereof to constitute the third Section.

which was read and not agreed to.

Mr. Switzler offered the following amendment:

Amend the substitute by striking out the words, "it may be" in the third line and insert, "they may deem it."

which was read and agreed to.

Mr. Shanklin offered the following amendment to the substitute:

Amend by inserting after the word "happiness" in the fourth line the following: "but every such right should be exercised in pursuance of law and consistently with the Constitution of the United States."

which was read.

The question being upon agreeing to the amendment, Messrs. Shanklin and Switzler demanded the ayes and noes.

The amendment was not agreed to by the following vote:

AYES

Allen	Edwards	Holliday	McKillop	Shanklin	
Boone	of Iron	Johnson	Mudd	Shields	
Brockmeyer	Eitzen	of Cole	Ross	Switzler	16
Cottey	Fyan	Maxey	of Polk		

NOES

Adams	Dysart	Johnston	Priest	Spaunhorst	
Alexander	Edwards	of Nodaway	Pulitzer	Taylor	
Black	of St. Louis	Lay	Ray	of Jasper	
Bradfield	Farris	Mabrey	Rider	Todd	
Carleton	Gantt	Massey	Rippey	Wallace	
Conway	Halliburton	McCabe	Ross	Watkins	
Crews	Hammond	Nickerson	of Morgan	Mr. President	
Crockett	Hardin	Norton	Rucker		38
Davis	Hyer	Pipkin			

148] ABSENT WITH LEAVE

Broadhead	Hale	McAfee	McKee	Shackelford	
Dryden	Letcher	Lackland	Roberts	Wagner	11
Gottschalk					

Mr. Lay offered the following amendment:

Amend the substitute by adding after the word "happiness" in line four the following: "subject only to the limitations contained in the Constitution of the United States."

which was read and not agreed to.

On motion of Mr. Alexander the Convention adjourned until tomorrow, 9 o'clock a. m.

WEDNESDAY, JUNE 2, 1875

The Convention met pursuant to adjournment, the President in the chair.

Prayer by Rev. Mr. Dunn.

The journal of yesterday was read and approved.

The Convention resumed the consideration of the substitute recommended by the Committee of the Whole for Section two of the Preamble and Bill of Rights pending at adjournment.

Mr. Taylor of Jasper offered the following amendment to the substitute:

Amend by inserting after the word "happiness" in fourth line the following words: "Provided such change be not repugnant to the Constitution of the United States."

which was read and adopted.

Mr. Switzler moved to reconsider the vote by which the Committee on yesterday refused to divide the substitute recommended by the Committee of the Whole for Section two so as to make two sections.

The motion to reconsider was agreed to.

Mr. Switzler moved to divide the substitute for Section two so as to make Section two end with the words, "United States" and Section three begin with the words, "That Missouri," which was agreed to.

Mr. Todd offered the following amendment to the substitute for Section two as divided:

Amend by striking out the words, "and form of government," in line three.

which was read.

The President decided the amendment out of order as being the same that the Convention had before refused to adopt.

149] Mr. Todd appealed from the decision of the chair.

The President then put the question: Shall the decision of the chair stand as the judgment of the Convention?

The decision of the chair was sustained.

The question recurring upon agreeing to the substitute recommended by the Committee of the Whole, as amended for Section two, it was agreed to.

The remaining part of the substitute proposed for Section three was then taken up.

Mr. Hale offered the following substitute:

Amend by striking out the proposed third Section and insert in lieu thereof the following: "That Missouri is a free and independent State, and an equal member with her sister states of the American Union and that neither the State nor the Federal Government has the constitutional right to dissolve said union or to impair said compact."

which was read.

Mr. Norton called for a division of the question.

The question being upon the motion to strike out, Messrs. Gottschalk and Watkins demanded the ayes and noes.

The motion to strike out was rejected by the following vote:

AYES

Boone	Gottschalk	Letcher	Mudd	Shields	9
Gantt	Hale	McKillop	Shanklin		

NOES

Adams	Davis	Holliday	Nickerson	Ross
Allen	Dysart	Hyer	Norton	of Polk
Alexander	Edwards	Johnston	Pipkin	Spaunhorst
Black	of Iron	of Nodaway	Priest	Switzler
Bradfield	Edwards	Johnson	Pulitzer	Taylor
Carleton	of St. Louis	of Cole	Ray	of Jasper
Chrisman	Eitzen	Lay	Rider	Todd
Conway	Fyan	Mabrey	Rippey	Wallace
Cottey	Halliburton	Massey	Roberts	Watkins
Crews	Hammond	Maxey	Ross	Mr. President
Crockett	Hardin	McCabe	of Morgan	47

ABSENT WITH LEAVE

Broadhead	Lackland	McKee	Taylor	Wagner	8
Dryden	McAfee	Shackelford	of St. Louis		

ABSENT

Brockmeyer	Farris	Mortell	Rucker	4

Mr. Letcher offered the following substitute for the proposed third Section:

That the union of the states under the Constitution of the United States and the independence of the several states as respects the right **150**] of local self-government, cannot exist the one without the other thereupon, the powers vested by the Constitution in the government or any department or office of this State shall not be construed to disparage or deny the relations of this State to the Union as a co-equal member of the same, or the allegiance due from citizens of the State to the government of the United States under the Constitution thereof.

which was read.

Mr. Watkins moved the previous question, which was ordered.

The question recurring upon the adoption of the substitute offered by Mr. Letcher, Messrs. Letcher and Gottschalk demanded the ayes and noes.

The substitute was not adopted by the following vote:

AYES

Boone	Gottschalk	Johnston	McKillop	Shields	
Eitzen	Hale	of Nodaway	Mudd	Switzler	10
		Letcher			

NOES

Adams	Davis	Holliday	Pipkin	Rucker	
Allen	Dysart	Hyer	Priest	Shanklin	
Alexander	Edwards	Johnson	Pulitzer	Spaunhorst	
Black	of Iron	of Cole	Ray	Taylor	
Bradfield	Edwards	Lay	Rider	of Jasper	
Carleton	of St. Louis	Mabrey	Rippey	Todd	
Chrisman	Fyan	Massey	Roberts	Wallace	
Conway	Gantt	Maxey	Ross	Watkins	
Cottey	Halliburton	McCabe	of Morgan	Mr. President	
Crews	Hammond	Nickerson	Ross		47
Crockett	Hardin	Norton	of Polk		

ABSENT WITH LEAVE

Broadhead	Lackland	McKee	Taylor	Wagner	8
Dryden	McAfee	Shackelford	of St. Louis		

ABSENT

Brockmeyer	Farris	Mortell	3

The question recurring upon the adoption of the substitute for the proposed third Section, it was adopted.

On motion the substitute as adopted was numbered three.

Mr. Shields offered the following amendment to the report of the Committee of the Whole as a new section after Section three:

That this State shall ever remain a member of the American Union: that the people thereof are a part of the American Nation; that all attempts from whatever source or upon whatever pretext to dissolve said 151] Union, or to sever said Nation ought to be resisted with the whole power of the State. That every citizen of this State owes paramount allegiance to the Constitution and Government of the United States, and that no law or ordinance of this State in contravention or subversive thereof can have any binding force.

which was read.

Mr. Pulitzer moved the previous question, which was ordered.

The question recurring on the adoption of the amendment as a new section, Messrs. Eitzen and Gottschalk demanded the ayes and noes.

The amendment was not agreed to by the following vote:

AYES

Crews	Fyan	Johnson	McKillop	Shields	8
Eitzen	Gottschalk	of Cole	Mudd		

NOES

Adams	Dysart	Hyer	Pipkin	Shanklin	
Allen	Edwards	Johnston	Priest	Spaunhorst	
Alexander	of Iron	of Nodaway	Pulitzer	Switzler	
Black	Edwards	Lay	Ray	Taylor	
Boone	of St. Louis	Letcher	Rider	of Jasper	
Bradfield	Gantt	Mabrey	Rippey	Todd	
Carleton	Hale	Massey	Roberts	Wallace	
Chrisman	Halliburton	Maxey	Ross	Watkins	
Conway	Hammond	McCabe	of Morgan	Mr. President	
Crockett	Hardin	Nickerson	Ross of Polk		48
Davis		Norton	Rucker		

ABSENT WITH LEAVE

Broadhead	Lackland	McKee	Taylor	Wagner	8
Dryden	McAfee	Shackelford	of St. Louis		

ABSENT

Brockmeyer	Farris	Holliday	3

Mr. Hale offered the following as an additional section to the report of the Committee of the Whole on Preamble and Bill of Rights.

That Missouri is a free and independent State of the American Union and that no constitutional right exists either in the states or Federal Government, to dissolve said Union or to impair said compact.

which was read.

Mr. Pulitzer rose to a point of order and stated that the amendment was out of order as it embodied the same matter in substance that the Convention had just adopted. The President decided the point of order not well taken.

Mr. Alexander moved the previous question, which was ordered.

The question recurring on the adoption of the amendment offered by Mr. Hale, Messrs. Switzler and Eitzen demanded the ayes and noes.

The amendment was not adopted by the following vote:

AYES

152] Brockmeyer	Gottschalk	McKillop	Shanklin	Switzler	
Eitzen	Hale	Mudd	Shields	Todd	12
Fyan	Letcher				

NOES

Adams	Crockett	Hardin	Norton	Ross	
Allen	Davis	Hyer	Pipkin	of Polk	
Alexander	Dysart	Johnston	Priest	Rucker	
Black	Edwards	of Nodaway	Pulitzer	Spaunhorst	
Boone	of Iron	Lay	Ray	Taylor	
Bradfield	Edwards	Mabrey	Rider	of Jasper	
Carleton	of St. Louis	Massey	Rippey	Wallace	
Chrisman	Gantt	Maxey	Roberts	Watkins	
Conway	Halliburton	McCabe	Ross	Mr. President	
Cottey	Hammond	Nickerson	of Morgan		44
Crews					

ABSENT WITH LEAVE

Broadhead	Lackland	McKee	Taylor	Wagner	8
Dryden	McAfee	Shackelford	of St. Louis		

ABSENT

Farris	Johnson	Holliday	Mortell	4
	of Cole			

Section three of the report of the Committee on Preamble and Bill of Rights was read.

Mr. Priest moved that the words, "Section three," be stricken out and the words "Section four" be inserted in lieu thereof, which was adopted.

Mr. Wallace offered the following amendment to Section four.

Amend by striking out the word "gains" in the third line and insert the word "fruits" in lieu thereof.

which was read and not adopted.

Mr. Davis offered the following amendment by way of substitute to Section four:

Amend Section four by substituting the following: "All men have certain inherent and inalienable rights, among these are life, liberty and the pursuit of happiness. To secure their rights and the protection of property, governments are instituted among men, deriving their just power from the consent of the governed."

which was read and not adopted.

Mr. Gottschalk offered the following amendment to Section four:

Amend Section four by striking out the words, "That to give security to these things" in the third line and insert in lieu thereof the following: "That to secure such rights."

which was read and not adopted.

Mr. Massey offered the following amendment to Section four:

Amend Section four by striking out the word "principal" in the fourth line and the word "chief" in the fifth line.

which was read and not adopted.

The question recurring on the adoption of Section four, it was adopted.

Mr. Gottschalk moved that Section four of the report 153] of the Committee on Preamble and Bill or Rights be stricken out, which was not adopted.

The following substitute was recommended by the Committee of the Whole for Section five:

That all men have a natural and indefeasible right to worship Almighty God according to the dictates of their own consciences; that no person can on account of his religious opinions, be rendered ineligible to any office of trust or benefit under the State, nor be disqualified from testifying, or from serving as a juror; that no human authority can control or interfere with the rights of conscience; that no person ought by any law to be molested in his person or estate on account of his religious persuasion or profession, but the liberty of conscience hereby secured shall not be so construed as to excuse acts of licentiousness, nor to justify practices inconsistent with the good order, peace or safety of the State, nor with the rights of others.

which was read.

Mr. Todd offered the following amendment to Section five:

Amend Section five by striking out the word "religious" in the third line and insert the word "conscientious" in lieu thereof.

which was read and rejected.

The question recurring upon the adoption of the substitute for Section five recommended by the Committee of the Whole, Messrs. Todd and McKillop demanded the ayes and noes.

The substitute was rejected by the following vote:

AYES

Adams	Crockett	Halliburton	Mudd	Rucker
Allen	Davis	Hammond	Nickerson	Shanklin
Alexander	Dysart	Hyer	Norton	Shields
Black	Edwards	Johnston	Pipkin	Spaunhorst
Boone	of Iron	of Nodaway	Priest	Switzler
Bradfield	Edwards	Lay	Pulitzer	Taylor
Brockmeyer	of St. Louis	Letcher	Ray	of Jasper
Carleton	Eitzen	Mabrey	Rippey	Wallace
Chrisman	Fyan	Massey	Roberts	Watkins
Conway	Gantt	Maxey	Ross	Mr. President
Cottey	Gottschalk	McCabe	of Morgan	52
Crews	Hale	McKillop		

NOES

Todd 1

ABSENT WITH LEAVE

Broadhead	Holliday	McAfee	Shackelford	Wagner	9
Dryden	Lackland	McKee	Taylor of St. Louis		

ABSENT

Farris	Johnson	Mortell	Rider	Ross	
Hardin	of Cole			of Polk	6

Section six of the report of the Committee on Preamble and Bill of Rights was read.

Mr. Crews offered the following amendment:

154] Amend Section six by striking out the word "shall" and inserting the word "may."

which was read and rejected.

The question recurring upon the adoption of Section six, it was adopted.

Section seven of the report of the Committee on Preamble and Bill of Rights was read.

Mr. Lay offered the following amendment:

Amend by adding: *Provided,* that nothing herein contained shall be construed to prohibit the employment and payment of a Chaplain by a Constitutional Convention or the General Assembly of this State.

which was read.

Mr. Gottschalk offered the following amendment to the amendment:

Amend the amendment by striking out the words, "a Chaplain," and insert "Chaplains."

which was read.

Mr. Norton moved the previous question, which was ordered.

The question recurring upon agreeing to the amendment to the amendment, it was rejected.

The question being upon agreeing to the amendment offered by Mr. Lay, Messrs. Alexander and Shanklin demanded the ayes and noes.

The amendment was rejected by the following vote:

AYES

Adams	Conway	Norton	Shanklin	Taylor	
Alexander	Hale	Rippey	Shields	of Jasper	
Boone	Lay	Roberts	Switzler	Wallace	
Chrisman	Letcher			Watkins	17

NOES

Bradfield	Edwards	Hardin	McKillop	Ross	
Brockmeyer	of St. Louis	Hyer	Mudd	of Morgan	
Carleton	Eitzen	Johnston	Nickerson	Ross	
Cottey	Fyan	of Nodaway	Pipkin	of Polk	
Crews	Gantt	Mabrey	Priest	Rucker	
Crockett	Gottschalk	Massey	Pulitzer	Spaunhorst	
Dysart	Halliburton	Maxey	Rider	Todd	
Edwards	Hammond	McCabe		Mr. President	
of Iron					36

ABSENT WITH LEAVE

Broadhead	Lackland	McKee	Taylor	Wagner	9
Dryden	McAfee	Shackelford	of St. Louis		
Holliday					

ABSENT

Allen	Black	Farris	Johnson	Mortell	
			of Cole	Ray	6

155] The question recurring upon the adoption of Section seven, it was adopted.

The following substitute was recommended by the Committee of the Whole for Section eight:

That no religious corporation can be established in this State except such as may be created under a general law for the purpose only of holding the title to such real estate as may be prescribed by law for church edifices, parsonages and cemeteries.

which was read and adopted.

Section nine.—"That all elections ought to be free and open," was read.

Mr. Hammond offered the following amendment:

Amend Section nine of the Bill of Rights by adding the following words: "and no power, civil or military, shall at any time interfere to prevent the free exercise of the right of suffrage."

which was read and agreed to.

Mr. Cottey offered the following amendment to Section nine, as amended:

Amend by striking out the word "open" and insert in lieu thereof the word "equal."

which was read and not agreed to.

Mr. Maxey offered the following amendment to Section nine, as amended:

Amend by striking out the words "ought to" and insert the word "shall."

which was read and agreed to.

Mr. Pulitzer offered the following amendment to Section nine, as amended:

Amend by striking out all up to and inclusive of the word "open" and the word "and."

which was read and not agreed to.

Section nine, as amended, was adopted.

On motion of Mr. Conway the Convention adjourned until 2 o'clock p. m.

AFTERNOON SESSION

The Convention met pursuant to adjournment, the President in the chair.

The Convention resumed the consideration of the Preamble and Bill of Rights with the amendment recommended by the Committee of the Whole.

The following substitute was recommended by the Committee of the Whole for Section ten:

156] That courts of justice shall be open to every person, and certain remedy afforded for every injury to person, property or character and that right and justice should be administered without sale, denial or delay."

which was read and adopted.

The following substitute was recommended by the Committee of the Whole for Section eleven:

That the people shall be secure in their persons, papers, homes and effects from unreasonable searches and seizures; and no warrant to search any place or seize any person or thing can issue without describing the place to be searched as the person or thing to be seized as nearly as may be, nor without probable cause supported by oath or affirmation reduced to writing.

which was read and adopted.

Section eleven as amended was adopted.

The following substitute was recommended by the Committee of the Whole for Section twelve:

That no person shall for a felony be proceeded against criminally otherwise than by indictment, or information as concurrent remedies, provided that all cases arising in the land or naval forces, or in the militia when in actual service in time of war or public danger, may be prosecuted by indictment or information.

which was read.

Mr. Todd offered the following amendment by way of substitute for the substitute of the Committee of the Whole:

Persons may for violations of law against public officers be proceeded against by indictment or information as may be provided for by law.

which was read.

Mr. Gantt offered the following substitute for Section

twelve as reported by the Committee of the Whole and pending amendments:

That no person for any indictable offense can be proceeded against by information except that the General Assembly may provide that in the recess of a grand jury an information may be exhibited against a person in actual custody for a misdemeanor and such person may be tried thereupon in the same manner as if he had been indicted: *provided*, that all cases arising in the land or naval service or in the militia in actual service in time of war or public danger may be prosecuted by information.

157] which was read.

Mr. Shanklin moved the previous question. Messrs. Holliday and Mortell demanded the ayes and noes.

The previous question was not ordered by the following vote:

AYES

Adams	Hyer	Nickerson	Ross	Taylor	
Allen	Massey	Norton	of Morgan	Wallace	
Chrisman	Maxey	Priest	Rucker	Watkins	
Cottey	McKillop	Pulitzer	Shanklin	Mr. President	
Hale	Mortell	Ray	Shields		24
Halliburton					

NOES

Alexander	Crockett	Fyan	Johnson	Rippey	
Black	Davis	Gantt	of Cole	Roberts	
Boone	Dysart	Hammond	Lay	Ross	
Bradfield	Edwards	Hardin	Letcher	of Polk	
Brockmeyer	of Iron	Holliday	Mabrey	Spaunhorst	
Carleton	Edwards of	Johnston	McCabe	Switzler	
Conway	St. Louis	of Nodaway	Mudd	Todd	33
Crews	Eitzen		Rider		

ABSENT WITH LEAVE

Broadhead	Lackland	McKee	Taylor	Wagner	8
Dryden	McAfee	Shackelford	of St. Louis		

ABSENT

Farris	Gottschalk	Pipkin	3

The previous question not being ordered, the further consideration of the section and pending amendments, was under the rule postponed until tomorrow.

The following substitute was recommended by the Committee of the Whole for Section thirteen:

That treason against the State can consist only in levying war against it, or in adhering to its enemies, giving them aid and comfort, that no person can be convicted of treason unless on the testimony of two witnesses to the same overt act, or on his confession in open court; that no person can be attainted of treason or felony by the General Assembly; that no conviction can work corruption of blood or forfeiture of estate; that the estates of such persons as may destroy their own lives shall descend or vest, as in cases of natural death; and when any person shall be killed by casualty there shall be no forfeiture by reason thereof.

which was read and adopted.

Section fourteen was read.

Mr. Lay offered the following amendment to Section fourteen:

Amend by inserting in line 1 after word "speech" the words, "or of the press."

which was read and rejected.

Mr. Shanklin offered the following amendment to Section fourteen:

158] Amend by inserting after the word "law" in the first line the word "shall."

which was read and adopted.

Mr. Maxey offered the following amendment to Section fourteen:

Amend by striking out the words, "under the direction of the court," in the fourth line.

which was read and rejected.

Mr. Johnson of Cole offered the following amendment:

Amend Section fourteen by striking out the words, "that no law shall be passed impairing the freedom of speech."

which was read.

Mr. Switzler offered the following amendment:

Amend Section fourteen by striking out all after the word "speech" in the first line and insert the following: "That the free communications of thoughts and opinions is one of the invaluable rights of man and every citizen may freely speak, write and print on any subject, being responsible for the abuse of that liberty. No conviction shall be had nor damage awarded in any suit or prosecution for libel where the fact that such publication was not maliciously or negligently made shall be established to the satisfaction of the jury; and in all suits and prosecutions for libel the jury shall have the right to determine the law and the facts."

which was read and rejected.

Mr. Wallace offered the following substitute for Section fourteen and pending amendment:

That the free communication of thoughts and opinions is one of the invaluable rights of man, and that every person may freely speak, write and print on any subject, being responsible for the abuse of that liberty; that in all prosecutions for libel, the truth thereof may be given in evidence and the jury may determine the law and the facts under the directions of the court.

which was read and rejected.

The question recurring on agreeing to the amendment offered by Mr. Johnson of Cole, it was rejected.

The question being upon the adoption of Section fourteen as amended, it was adopted.

The following substitute was recommended by the Com-
159] mittee of the Whole for Section fifteen:

That no *expost facto* law, nor law impairing the obligation of contracts or retrospective in its operation, or making any irrevocable grant of special privileges or immunities can be passed by the General Assembly.

which was read.

Mr. Gantt offered the following substitute for the substitute recommended by the Committee of the Whole:

That no law retrospective in its operation or making any irrevocable grant of special privileges or immunities can be passed by the General Assembly.

which was read and rejected.

The question recurring on the adoption of the substitute recommended by the Committee of the Whole for Section fifteen, it was adopted.

The following substitute was recommended by the Committee of the Whole for Section sixteen:

That imprisonment for debt shall not be allowed except for the nonpayment of fines and penalties imposed for violations of law.

which was read.

Mr. Todd offered the following amendment to Section sixteen, as reported by the Committee of the Whole:

Amend by adding, "but a debtor may be imprisoned in such manner as shall be provided for by law, for his refusal to surrender for the satisfaction of his adjudged debts, his property and effects not exempt by

law, by him withheld or concealed from subjection to the satisfaction of such debts."

which was read.

Messrs. Todd and Norton demanded the ayes and noes.

The amendment was rejected by the following vote:

AYES

Allen	Dysart	Gantt	Letcher	Pulitzer	
Black	Edwards	Johnston	Massey	Spaunhorst	
Chrisman	of St. Louis	of Nodaway	Mudd	Todd	14
Conway					

NOES

Adams	Edwards	Hyer	Priest	Shanklin	
Alexander	of Iron	Johnson	Ray	Shields	
Boone	Eitzen	of Cole	Rider	Switzler	
Bradfield	Farris	Lay	Rippey	Taylor	
Carleton	Fyan	Mabrey	Roberts	of Jasper	
Cottey	Gottschalk	McCabe	Ross	Wallace	
Crews	Hale	McKillop	of Morgan	Watkins	
Crockett	Hammond	Nickerson	Ross	Mr. President	
Davis	Hardin	Norton	of Polk		42
	Holliday	Pipkin	Rucker		

ABSENT WITH LEAVE

160] Broadhead	Lackland	McKee	Taylor	Wagner	8
Dryden	McAfee	Shackelford	of St. Louis		

ABSENT

Brockmeyer	Halliburton	Maxey	Mortell	4

The question recurring on the adoption of Section sixteen, it was adopted.

The following substitute was recommended by the Committee of the Whole for Section eighteen:

That the right of no citizen to keep and bear arms in defense of his home, person and property or in aid of the civil power when thereto legally summoned, shall be called in question, but nothing herein contained is intended to justify the practice of wearing concealed weapons.

Mr. Cottey moved that the word "eighteenth" be struck out and the word "seventeenth" inserted in lieu thereof; which was adopted.

The substitute as amended was adopted.

The following amendments were recommended by the Committee of the Whole to Section nineteen:

Amend by striking out the word "Missouri" in the second line, and inserting the words, "this State."

which was read and adopted.

Amend by striking out the word "performing" in the third line and inserting the words, "devoting his time to the performance of."

which was read and adopted.

Section nineteen as amended was adopted.

On motion the word "nineteenth" was struck out and the word "eighteenth" inserted in lieu thereof.

Section twenty as reported by the Committee on Preamble and Bill of Rights was read and adopted.

On motion the word "twentieth" was struck out and the word "nineteenth" inserted in lieu thereof.

Section twenty-one was read.

The following substitute was recommended by the Committee of the Whole:

21. No person who shall hereafter be adjudged guilty of embezzling any money belonging to whomsoever, or of appropriating to his own use or that of another any money or choses in action or other property received by him in trust or in confidence from another as distinguished from a debt arising out of the casualties of ordinary trade and business, shall be eligible to any office of trust or profit under the laws of this State, or 161] the ordinance of any municipality therein, until he shall have paid and made good any such defalcation.

which was read.

Mr. Lay offered the following amendment to Section twenty-one:

Amend by striking out in line two the words, "of appropriating," and insert in lieu thereof the following, "who shall appropriate."

which was read and adopted.

Mr. Gantt offered the following amendment to Section twenty-one:

Amend by striking out the words, "who shall hereafter be adjudged guilty of embezzling any money belonging to whomsoever or."

which was read.

Mr. Conway moved that Section twenty-one with amendments be laid on the table, which was rejected.

The question recurring upon agreeing to the amendment offered by Mr. Gantt to Section twenty-one, the amendment was rejected.

Mr. Halliburton offered the following amendment:

Amend by striking out all after the word "therein" in line six.

which was read and rejected.

Mr. Johnston of Nodaway offered the following amendment:

Amend by inserting after the word "business" in the fifth line the words, "or of the larceny of any money, choses in action or other goods or chattels," and by inserting after the word "defalcation" in the seventh line the words, "or restored to the owner the money, choses in action or property so stolen."

which was read and adopted.

The question recurring upon the adoption of Section twenty-one as amended, it was rejected.

Mr. Switzler moved that two additional members be added to the Committee on Education, which was adopted.

Mr. Hardin offered the following resolution:

Whereas, His Excellency, C. H. Hardin, Governor of Missouri, has issued his proclamation setting apart Thursday, the third of June, as a day of fasting and prayer on account of the recent suffering and desti-
162] tution in this State, caused by the grasshopper plague: Therefore, Be it Resolved, That in respect to and in compliance with said proclamation when this Convention adjourns, it adjourn until Friday morning at 9 o'clock.

which was read and adopted.

The President announced the following additional members to the Committee on Education.—Todd and McCabe.

Mr. Mudd moved to adjourn.

Mr. Pulitzer and Gottschalk demanded the ayes and noes.

The motion to adjourn was adopted by the following vote:

AYES

Adams	Boone	Carleton	Crews	Dysart
Black	Brockmeyer	Chrisman	Crockett	Edwards of Iron

Edwards	Hyer	Maxey	Norton	Ross	
of St. Louis	Johnson	McCabe	Priest	of Morgan	
Eitzen	of Cole	McKillop	Ray	Spaunhorst	
Fyan	Letcher	Mortell	Rippey	Switzler	
Halliburton	Mabrey	Mudd	Roberts	Watkins	33
Holliday					

NOES

Allen	Farris	Johnston	Rider	Taylor	
Alexander	Gantt	of Nodaway	Ross	of Jasper	
Bradfield	Gottschalk	Lay	of Polk	Todd	
Conway	Hale	Nickerson	Rucker	Wallace	
Cottey	Hammond	Pipkin	Shanklin	Mr. President	
Davis	Hardin	Pulitzer	Shields		26

ABSENT WITH LEAVE

Broadhead	Lackland	McKee	Taylor	Wagner	8
Dryden	McAfee	Shackelford	of St. Louis		

ABSENT

Massey	1

FRIDAY, JUNE 4, 1875

MORNING SESSION

The Convention met pursuant to adjournment, the President in the chair.

The journal of Wednesday was read.

Mr. Halliburton rose to a question of privilege and stated that he was recorded as being absent when the vote was taken on the amendment of Mr. Todd to Section sixteen of the Preamble and Bill of Rights as reported by the Committee of the Whole in regard to imprisonment for debt and desired to have his name recorded as voting in the negative.

Mr. Gantt rose to a point of order and stated that the Convention had no authority to record any gentlemen as 163] voting on Friday when he was absent when the vote was taken on Wednesday.

The President decided the point of order as well taken.

Mr. Halliburton then stated that if he had been present when the vote was taken on the amendment offered by Mr. Todd to Section sixteen he would have voted in the negative.

Mr. Broadhead rose to a question of privilege and stated that if he had been present when the following amendment to Section two of the Bill of Rights "provided that such change be not repugnant to the Constitution of the United States" was adopted he would have voted against the amendment.

Mr. Shields rose to a point of order and stated that the only question before the Convention was the approval of the journal and no other motion was in order.

The President decided the point of order well taken.

The journal was then approved as read.

Mr. Alexander from the Committee on Elections and Electors submitted the following report:

Mr. President:

The Committee on Elections and Electors submit for the consideration of the Convention the following and recommend the adoption thereof:

ARTICLE———ELECTIONS AND SUFFRAGE

Section 1. The general election shall be held biennially on the Tuesday next following the first Monday in November. The first general election under this Constitution shall be held on that day in the year one thousand eight hundred and seventy-six, but the General Assembly may by law fix a different day, two-thirds of all the members of each house consenting thereto.

Section 2. Every male citizen of the United States and every male person of foreign birth who may have declared his intention to become a citizen of the United States according to law not less than one year nor more than five years before he offers to vote, who is over the age of twenty-one years, possessing the following qualifications shall be entitled to vote at all elections by the people:

First. He shall have resided in the State one year immediately preceding the election at which he offers to vote.

Second. He shall have resided in the county, city or town where he shall offer to vote at least sixty days immediately preceding the election.

Section 3. All elections by the people shall be by ballot. Every ballot voted shall be numbered in the order in which it shall be received, and the number recorded by the election officers on the list of voters
164] opposite the name of the voter, who presents the ballot. The election officers shall be sworn or affirmed not to disclose how any voter

shall have voted unless required to do so as witnesses in a judicial proceeding.

Section 4. Voters shall in all cases except treason, felony or breach of the peace be privileged from arrest during their attendance at elections and in going to and returning therefrom.

Section 5. The General Assembly may provide by law for registering of all voters in cities and towns having a population of more than ten thousand inhabitants.

Section 6. Any person who shall give or promise to give or offer to give to any voter any money, reward or other valuable consideration for his vote at an election or for withholding the same, or who shall give or promise to give such consideration to any other person or party for such voter's vote or for the withholding thereof, and any voter who shall receive or agree to receive for himself or for another any money, reward or other valuable consideration for his vote at an election or for withholding the same, shall thereby forfeit the right to vote at such election, and every person who shall make or become directly or indirectly interested in any bet or wager depending upon the result of any election shall not be permitted to vote at such election; and any voter whose right to vote shall be challenged for such cause or causes before the election officers shall be required to swear or affirm that the matter of the challenge is untrue, before his vote shall be received.

Section 7. All elections by persons in a representative capacity shall be *viva voce.*

Section 8. For the purpose of voting no person shall be deemed to have gained a residence by reason of his presence, or lost it by reason of absence while employed in the service, either civil or military of this State or of the United States; nor while engaged in the navigation of the waters of the State or of the United States or of the high seas, nor while a student of any institution of learning, nor while kept in a poorhouse or other asylum at public expense, nor while confined in public prison.

Section 9. No person while kept at any poorhouse or other asylum at public expense nor while confined in any public prison shall be entitled to vote at any election under the laws of this State.

165] Section 10. The trial and determination of contested elections of members of the General Assembly and of all public offices whether State, judicial, municipal or local shall be by the courts of law or by one or more of the judges thereof. The General Assembly shall by general law designate the court and judge by whom the several classes of election contests shall be tried and regulated, the manner of trial and all matters incident thereto; but no such law assigning jurisdiction or regulating its exercise shall apply to any contest arising out of any election held before said law shall take effect.

Section 11. The General Assembly may enact laws excluding from the right of voting all persons convicted of felony.

Section 12. No officer, soldier or marine in the regular army or navy of the United States shall be entitled to vote at any election in this State.

Section 13. No person shall be elected or appointed to any office in this State, civil or military, who is not a citizen of the United States, and who shall not have resided in this State one year next preceding the election or appointment.

Section 14. After the first day of January one thousand eight hundred and eighty every person who was not a qualified voter prior to that time shall, in addition to the other qualifications, be required to be able to read and write in order to become a qualified voter, unless his inability to read or write shall be the result of physical disability.

A. M. Alexander, *Chairman.*

which was read and on motion of Mr. Alexander laid over informally and one hundred copies ordered printed.

Mr. Alexander from the Committee on Elections and Electors submitted the following supplemental report:

Mr. President:

The Committee on Elections and Electors to which was referred the proposition to so amend the Constitution as to provide for female suffrage begs leave to report that it is of the opinion that if such a proposition is submitted to a vote of the people at all, it should be submitted as a separate proposition. Your Committee on Elections and Electors therefore asks to be discharged from the further consideration of the subject and asks that it be referred to the Committee on Propositions to be Separately Submitted.

A. M. Alexander, *Chairman.*

which was read.

Mr. Alexander moved to refer the supplemental report of the Committee on Elections and Electors to the Committee on Separate Propositions to be Submitted to the People.

166] Mr. Norton moved to lay the supplemental report on the table.

The motion to table was rejected.

Mr. Wagner moved to recommit the supplemental report to the Committee on Elections and Electors.

The question being on the motion of Mr. Wagner to recommit, Mr. Conway rose to a point of order and stated that the motion of Mr. Alexander to refer should be put to the Convention first.

The President decided the point of order not well taken.

The motion of Mr. Wagner to recommit was rejected.

Mr. Holliday offered the following resolution:

Resolved, That the supplemental report of the Committee on Elections and Electors be recommitted to that Committee with instructions that they inquire into the expediency of submitting to the people by a separate proposition substantially as follows: That all widows and unmarried women above the age of twenty-one years who pay a school tax shall be allowed to vote at all school elections.

which was read and rejected.

Mr. Shanklin moved the previous question, which was ordered.

The question being on the motion to refer, Messrs. Norton and Eitzen demanded the ayes and noes.

The motion to refer to the Committee on Separate Propositions to be Submitted to the Vote of the People was adopted by the following vote:

AYES

Alexander	Edwards	Holliday	Letcher	Rucker
Broadhead	of Iron	Hyer	McKillop	Shanklin
Brockmeyer	Edwards	Johnson	Mudd	Shields
Carleton	of St. Louis	of Cole	Nickerson	Spaunhorst
Conway	Gantt	Johnston	Rippey	Switzler
Cottey	Gottschalk	of Nodaway	Roberts	Taylor
Crews	Hale	Lackland	Ross	of St. Louis
Davis	Halliburton	Lay	of Morgan	Todd 35
Dysart				

NOES

Adams	Crockett	McAfee	Ray	Wagner
Allen	Eitzen	McCabe	Ross	Wallace
Black	Fyan	Norton	of Polk	Watkins
Boone	Hammond	Pipkin	Shackelford	Mr. President
Bradfield	Hardin	Priest	Taylor	27
Chrisman	Maxey	Pulitzer	of Jasper	

ABSENT WITH LEAVE

Dryden	McKee	Rider	3

ABSENT

Farris	Massey	Mortell	3

On motion of Mr. Priest, Section twelve of the report 167] of the Committee of the Whole with pending amendments was taken up.

Mr. Halliburton asked for leave of absence for Mr. Hammond, which was granted.

Mr. Davis asked for leave of absence for Mr. Rider, which was granted.

Mr. Gantt called for the reading of his amendment by way of substitute for Section twelve of the report of the Committee of the Whole pending at adjournment on Wednesday.

Mr. Gantt, with leave of the Convention, withdrew his substitute.

The question being on agreeing to the substitute offered by Mr. Todd for Section twelve of the report of the Committee of the Whole, Mr. McCabe offered the following amendment by way of substitute for Section twelve as reported and pending amendment of Mr. Todd:

Amend by striking out all after the word "that" and insert the following: "No person shall be held to answer for a criminal offense unless on indictment of a grand jury, except in cases where the punishment is by fine or imprisonment, otherwise than in the penitentiary, in cases of impeachment or in cases arising in the army and navy, or in the militia when in actual service in time of war, or public danger."

which was read.

Mr. Priest moved the previous question.

Messrs. Conway and Holliday demanded the ayes and noes.

The Convention refused to order the previous question by the following vote:

AYES

Adams	Eitzen	Mabrey	Rippey	Shields
Alexander	Fyan	Maxey	Roberts	Switzler
Bradfield	Gottschalk	McAfee	Ross	Taylor
Carleton	Hale	Nickerson	of Morgan	of Jasper
Chrisman	Halliburton	Norton	Ross	Wagner
Cottey	Hammond	Pipkin	of Polk	Watkins
Crews	Hyer	Priest	Rucker	Mr. President
Davis	Johnston	Pulitzer	Shackelford	40
Dysart	of Nodaway	Ray	Shanklin	

NOES

Allen	Broadhead	Crockett	Edwards	Hardin
Black	Brockmeyer	Edwards	of St. Louis	Holliday
Boone	Conway	of Iron	Gantt	Johnson
				of Cole

Lackland	Letcher	Mudd	Taylor	Todd	
Lay	McCabe	Spaunhorst	of St. Louis	Wallace	22

ABSENT WITH LEAVE

Dryden	McKee	McKillop	Rider	4

ABSENT

Farris	Massey	Mortell	3

so under the rule Section twelve and pending amendments go over until tomorrow.

168] Mr. Shields offered the following as an additional rule to the standing rules of the Convention:

> Rule——. The effect of a negative vote on the question, "Shall the main question be now put?" is to cause the Convention to resume the consideration of the subject as though no motion for the previous question had been made.

which was read and laid over under the rules until tomorrow.

Mr. Spaunhorst moved to reconsider the vote by which the Convention refused to order the previous question. Mr. Priest then withdrew his motion for the previous question.

On motion of Mr. Conway the Convention adjourned until 2 o'clock p. m.

AFTERNOON SESSION

The Convention met pursuant to adjournment, the President in the chair.

The Convention resumed the consideration of the substitute offered by Mr. McCabe pending at adjournment.

When Mr. Conway rose to a point of order, and stated that the amendment of Mr. Todd was offered as a substitute and took precedence of Mr. McCabe's substitute, the President decided the point of order well taken.

The question being upon the adoption of Mr. Todd's substitute to Section twelve as reported by the Committee of the Whole, it was rejected.

The substitute to Section twelve offered by Mr. McCabe was taken and rejected.

Mr. Johnson of Cole, offered the following amendment to Section twelve, as reported by the Committee of the Whole:

Amend by striking out the proviso and insert the following: "*provided*, this section shall not apply to cases arising in the land or naval forces, or in the militia when in actual service in time of war or public danger."

which was read.

Mr. Gantt offered the following substitute for Section twelve as reported by the Committee of the Whole:

That no person shall for a felony or misdemeanor be proceeded against criminally otherwise than by indictment, except that the General Assembly may provide by law that an information may be exhibited in the recess of a grand jury against any person in actual custody charged 169] with a misdemeanor; and such person may be thereupon tried in the same manner as if he had been indicted: *Provided*, that all cases arising in the land or naval forces or in the militia in actual service in time of war or public danger may be prosecuted by information.

which was read and rejected.

The question recurring upon the adoption of the amendment offered by Mr. Johnson of Cole, it was rejected.

Mr. Wallace offered the following substitute for Section twelve as reported by the Committee of the Whole:

Amend Section twelve by striking out all after the word "twelfth" and substitute the following: "That no person can for an indictable offense be proceeded against criminally by information except in cases arising in the land or naval forces or in militia when in actual service in the time of war or public danger, or, by leave of court, for oppression or misdemeanor in office."

which was read.

Mr. Taylor of St. Louis offered the following amendment to Section twelve as reported by the Committee of the Whole:

Amend Section twelve by striking out all after the words, "That no person," in the first line and insert in lieu thereof the following: "can be convicted of a felony except upon an indictment of a grand jury, *provided*, that this section shall not apply to cases arising in the land or naval forces, or in the militia in time of war."

which was read.

Mr. Holliday rose to a point of order and stated when a substitute was pending an amendment to the original prop-

osition was not in order. The President ruled that the friends of the proposition have the right to perfect it as far as they can by amendments before a question is put for striking it out, and that the consideration of the amendment offered by Mr. Taylor was in order.

The question being upon the adoption of Mr. Taylor's amendment, it was rejected.

The question recurring upon the adoption of the substitute offered by Mr. Wallace, Messrs. Holliday and Black demanded the ayes and noes.

The substitute was rejected by the following vote:

AYES

Adams	Crockett	Eitzen	Pipkin	Switzler	
Allen	Dysart	Hardin	Ray	Taylor	
Black	Edwards	Holliday	Ross	of St. Louis	
Broadhead	of Iron	Lackland	of Morgan	Wallace	
Brockmeyer	Edwards	Letcher	Shanklin	Watkins	26
Carleton	of St. Louis	Nickerson	Spaunhorst		
Chrisman					

NOES

170] Alexander	Gantt	Johnston	McKillop	Shackelford	
Boone	Gottschalk	of Nodaway	Mudd	Shields	
Bradfield	Hale	Lay	Norton	Taylor	
Conway	Halliburton	Mabrey	Priest	of Jasper	
Cottey	Hyer	Massey	Roberts	Todd	
Crews	Johnson	Maxey	Ross	Wagner	
Davis	of Cole	McAfee	of Polk	Mr. President	
Fyan		McCabe	Rucker		34

ABSENT WITH LEAVE

Dryden	Hammond	McKee	Rider	4

ABSENT

Farris	Mortell	Pulitzer	Rippey	4

Mr. Broadhead offered the following amendment to Section twelve as reported by the Committee of the Whole:

Amend Section twelve by striking out all after the word "that" and insert as follows: "No person shall for a felony be proceeded against criminally otherwise than by indictment except in cases arising in the land or naval forces or in the militia when in actual service in time of war or public danger."

which was read and rejected.

Mr. Lay offered the following substitute to Section twelve as reported by the Committee of the Whole:

Amend by substituting for Section twelve the following: "That no person shall for a felony be proceeded against criminally otherwise than by indictment of a grand jury, except in cases of impeachment, and in cases arising in the land or naval forces or in the militia when in actual service in time of war, *and provided*, that all offenses below the grade of felony, shall be prosecuted criminally by indictment or information as concurrent remedies."

which was read.

Mr. Mudd offered the following amendment to the substitute offered by Mr. Lay:

Amend the substitute by striking out the words, "concurrent remedies," and insert in lieu thereof the words "as may be provided by law."

which was read and rejected.

The question recurring upon the adoption of the substitute offered by Mr. Lay, Messrs. Halliburton and McCabe demanded the ayes and noes.

The substitute offered by Mr. Lay to Section twelve of the report of the Committee of the Whole, was rejected by the following vote:

171]

AYES

Broadhead	Gantt	Lackland	Pipkin	Rucker	
Crews	Hale	Lay	Ross	Shackelford	
Dysart	Holliday	McAfee	of Morgan	Shanklin	
Edwards	Johnston	Mudd	Ross	Todd	
of St. Louis	of Nodaway	Norton	of Polk	Wagner	21

NOES

Adams	Conway	Halliburton	McCabe	Taylor	
Allen	Cottey	Hardin	McKillop	of Jasper	
Alexander	Crockett	Hyer	Nickerson	Taylor	
Black	Davis	Johnson	Priest	of St. Louis	
Boone	Edwards	of Cole	Ray	Wallace	
Bradfield	of Iron	Letcher	Roberts	Watkins	
Brockmeyer	Eitzen	Mabrey	Shield	Mr. President	
Carleton	Fyan	Massey	Spaunhorst		39
Chrisman	Gottschalk	Maxey	Switzler		

ABSENT WITH LEAVE

Dryden	Hammond	McKee	Rider	4

ABSENT

Farris	Mortell	Pulitzer	Rippey	4

Mr. Conway offered the following amendment to Section twelve of the report of the Committee of the Whole:

Amend by inserting in line two after the word "cases" the words, "except in cases of impeachment."

which was read and rejected.

Mr. Johnson of Cole offered the following amendment to Section twelve of the report of the Committee of the Whole:

Amend by striking out the word "or" in the last line and adding to section the words, "or other lawful remedy."

which was read and rejected.

Mr. Broadhead offered the following amendment to Section twelve of the report of the Committee of the Whole:

Amend by striking out all after the word "provided" in line three, and insert after the word "indictment" in line two, as follows: "except in cases arising in the land or naval forces, or in the militia when in actual service in time of war or public danger."

which was read.

Messrs. Broadhead and Holliday demanded the ayes and noes.

The amendment was adopted by the following vote:

AYES

Allen	Edwards	Lay	Ross	Taylor	
Black	of St. Louis	Letcher	of Polk	of Jasper	
Broadhead	Eitzen	McKillop	Rucker	Taylor	
Brockmeyer	Hardin	Mudd	Shackelford	of St. Louis	
Chrisman	Holliday	Nickerson	Shanklin	Todd	
Crews	Johnson	Norton	Shields	Wagner	
Crockett	of Cole	Pipkin	Spaunhorst	Wallace	
Dysart	Johnston	Ray	Switzler	Watkins	
Edwards	of Nodaway	Ross		Mr. President	
of Iron	Lackland	of Morgan			39

NOES

172] Alexander	Conway	Gantt	Hyer	McAfee	
Boone	Cottey	Gottschalk	Mabrey	McCabe	
Bradfield	Davis	Hale	Massey	Priest	
Carleton	Fyan	Halliburton	Maxey	Roberts	20

ABSENT WITH LEAVE

Dryden	Hammond	McKee	Rider	4

ABSENT

Adams	Farris	Mortell	Pulitzer	Rippey	5

Mr. Lackland offered the following amendment to Section twelve as reported by the Committee of the Whole:

Strike out the words, "otherwise than by indictment," and insert in lieu thereof the words, "by information."

which was read and rejected.

The question recurring on the adoption of Section twelve of the report of the Committee of the Whole as amended, it was adopted.

Section twenty-two was reported by the Committee of the Whole as follows:

That no private property can be taken for private use, with or without compensation, unless by the consent of the owner, except for private ways of necessity as may be prescribed by law, and that whenever an attempt is made to take private property for a use alleged to be public the question whether the contemplated use be really public shall be a judicial question, and as such, judicially determined without regard to any legislative assertion that the use is public.

which was read.

Mr. Lackland offered the following amendment to Section twenty-two of the report of the Committee of the Whole on Preamble and Bill of Rights:

Amend Section twenty-two by inserting after the word "necessity" in line two the following words: "and except for drains and ditches for agricultural and sanitary purposes across the lands of others in such manner."

which was read and adopted.

The question recurring on the adoption of Section twenty-two of the report of the Committee of the Whole as amended, it was adopted. No objections being made the section was numbered twenty.

The following substitute was recommended by the Committee of the Whole for Section twenty-three of the Preamble and Bill of Rights.

That private property shall not be taken or damaged for public

use without just compensation, and the compensation shall be the fair value in money of the property taken. Such compensation shall be ascertained by a jury in such manner as may be prescribed by law; and

until the same shall be paid to the owner or into court for such owner, the property shall not be disturbed or the proprietary rights therein divested.

which was read.

Mr. Ross of Polk offered the following substitute for Section twenty-three of the report of the Committee of the Whole:

Private property shall not be taken or damaged for public use without just compensation therefor first paid or secured; but no benefits of a general character shall be deducted in assessing damages.

which was read.

Mr. Gottschalk offered the following amendment to Section twenty-three of the report of the Committee of the Whole:

Amend Section twenty-three by striking out the words, "and the compensation shall be the fair value in money of the property taken," in the second and third lines.

which was read and adopted.

Mr. Crews offered the following amendment to Section twenty-three:

Strike out all after the word "that" and insert the following: "private property shall not be taken or damaged or applied to public use without just compensation. Such compensation shall be ascertained by a jury in such manner as may be prescribed by law, and until the same shall be paid to the owner or into court for such owner, the property shall not be disturbed or the proprietary rights divested."

which was read and rejected.

The question recurring on the adoption of the substitute for Section twenty-three offered by Mr. Ross of Polk, it was rejected.

Mr. Hardin offered the following amendment to Section twenty-three:

Amend by adding to the section as amended the following: "The fee of land taken for railroad tracks, without consent of the owners thereof, shall remain in such owner subject to the use for which it is taken."

which was read and adopted.

Mr. Todd offered the following amendment to Section twenty-three:

Amend by inserting the words, "or board of commissioners of not less than three freeholders," after the word "jury" in line three.

which was read and adopted.

174] Mr. Wallace offered the following substitute for Section twenty-three as amended:

For Section twenty-three as amended substitute the following: "That no private property can be taken, damaged or applied to public use, without just compensation, to be ascertained in the manner that may be provided by law and the fee of the land for railroad tracks taken without the consent of the owner thereof shall remain in said owner subject for the use for which it was taken."

which was read.

Mr. Shanklin offered the following amendment to the substitute offered by Mr. Wallace:

Amend by striking out all after the word "law," and insert the following: "When land is taken for public use the fee shall remain in the owner subject to the use for which it was taken."

which was read and rejected.

The question recurring upon the adoption ot the substitute offered by Mr. Wallace, it was rejected.

Mr. Gantt offered the following substitute for Section twenty-three of report of Committee of the Whole, as amended:

That whenever private property is taken or damaged for public use, just compensation shall be made to the owner therefor and the measured inch compensation shall be the fair value of the property taken, or a sum sufficient to balance the injury done thereto by the public use or improvement. In all cases the owner of the property taken or injured may require the compensation to be assessed by a jury; and until the compensation awarded shall be paid to the owner or into court for the use of the owner his proprietary rights therein shall not be divested.

which was read.

Messrs. Heyer and Halliburton demanded the ayes and noes.

The substitute to Section twenty-three offered by Mr. Gantt was rejected by the following vote:

AYES

Adams	Carleton	Gantt	Pipkin	Roberts
Alexander	Conway	Hyer	Ray	Ross
Boone	Dysart	Letcher	Rippey	of Polk

Rucker	Taylor	Todd	Watkins	Mr. President	
Spaunhorst	of St. Louis				20

NOES

175] Allen	Edwards	Hardin	Massey	Ross	
Black	of Iron	Holliday	Maxey	of Morgan	
Bradfield	Edwards	Johnson	McAfee	Shackelford	
Broadhead	of St. Louis	of Cole	McCabe	Shanklin	
Brockmeyer	Eitzen	Johnston	McKee	Shields	
Chrisman	Fyan	of Nodaway	McKillop	Taylor	
Cottey	Gottschalk	Lackland	Nickerson	of Jasper	
Crews	Hale	Lay	Norton	Wagner	
Crockett	Halliburton	Mabrey	Priest	Wallace	40
Davis					

ABSENT WITH LEAVE

Dryden	Hammond	Rider	3

ABSENT

Farris	Mortell	Mudd	Pulitzer	Switzler	5

Mr. Dysart offered the following amendment to Section twenty-three of the Committee of the Whole:

Amend by striking out all after the word "that" in the first line and insert as follows: "private property shall not be taken, appropriated or damaged for public use without just compensation to be ascertained in such manner as may be provided by law. In all cases the owner of the property taken or injured may require that compensation be assessed by a jury, and until the compensation awarded shall be tendered or paid into court for the use of the owner his proprietary rights shall not be divested."

which was read and rejected.

The question recurring upon the adoption of Section twenty-three of the Committee of the Whole as amended, it was adopted.

There being no objection Section twenty-three was numbered Section twenty-one.

The following section as reported by the Committee of the Whole as a substitute for Section twenty-four as reported by Committee on Preamble and Bill of Rights:

In all criminal prosecutions the accused shall have the right to appear and defend in person and by counsel, to demand the nature and cause of the accusation, to meet the witnesses against him face to face, to have process to compel the attendance of witnesses in his behalf, and a speedy public trial by an impartial jury of the county.

which was read.

Mr. Todd offered the following amendment to Section twenty-four as reported by the Committee of the Whole:

Amend by adding after the words, "face to face," in line three the words, "but in cases not capital, if the witnesses be beyond the jurisdiction of the State, or dead at the time of the trial, the depositions of such witnesses, taken in the presence of the accused, and with notice to him, in such manner as shall be provided for by law, may be read in evidence on the trial."

176] which was read.

Mr. Johnston of Nodaway offered the following amendment to the amendment of Mr. Todd:

Amend the amendment by inserting the word "voluntary" next before the words, "presence of the accused."

which was read and rejected.

Mr. McCabe offered the following amendment to the amendment offered by Mr. Todd:

Amend the amendment by adding after the word "trial" in the last line the following: "*and provided*, that the General Assembly may at any time hereafter abolish the right on the part of the State to take depositions in the cases and under the circumstances above set forth."

which was read.

Mr. Cottey offered the following amendment to the rules of the Convention:

Amend Rule 34 by striking out the word "two" and insert therein the word "five" so that the rule shall read: "any five members shall have the right to call for the ayes and noes on any question."

which was read and laid over under the rules.

On motion of Mr. Priest the Convention adjourned until tomorrow, 9 o'clock a. m.

SATURDAY, JUNE 5, 1875

MORNING SESSION

The Convention met pursuant to adjournment.

The journal of yesterday was read and approved.

Mr. Pipkin offered the following resolution:

Resolved, That as the sergeant-at-arms of the Convention has not been in the discharge of the duties of his office now for about two weeks and that there is really no necessity for the services of said officer the same be declared vacant from and after this date.

which was read.

Mr. Lackland moved to indefinitely postpone the consideration of the resolution. Messrs. Massey and Heyer demanded the ayes and noes.

The motion to indefinitely postpone was adopted by the following vote:

AYES

177] Adams	Davis	Hardin	Mabrey	Ross	
Allen	Edwards	Holliday	McAfee	of Morgan	
Black	of Iron	Johnson	McKee	Ross	
Brockmeyer	Eitzen	of Cole	McKillop	of Polk	
Carleton	Fyan	Johnston	Mortell	Rucker	
Chrisman	Gottschalk	of Nodaway	Norton	Shackelford	
Conway	Hale	Lackland	Roberts	Shields	
Crews	Halliburton	Lay		Taylor	34

NOES

Alexander	Edwards	Maxey	Ray	Todd	
Boone	of St. Louis	McCabe	Rippey	Wagner	
Bradfield	Gantt	Mudd	Spaunhorst	Wallace	
Cottey	Hyer	Nickerson	Switzler	Mr. President	
Crockett	Letcher	Pipkin	Taylor		28
Dysart	Massey	Priest	of Jasper		

ABSENT WITH LEAVE

Dryden	Hammond	Rider	3

ABSENT

Farris	Pulitzer	Shanklin	3

Mr. Conway offered the following resolution:

Resolved, That hereafter the regular time for the convening of this Convention at its morning session be 8 o'clock.

which was read.

Mr. Taylor of Jasper moved to lay the resolution on the table, which was adopted.

Mr. Conway offered the following resolution:

Resolved, That hereafter the regular time for the convening of the Convention at its morning session be 8:30 o'clock.

which was read.

Mr. Hardin moved to lay the resolution on the table, which was adopted.

Mr. Gottschalk offered the following resolution:

Resolved, That the Adjutant-General of this State be requested to communicate to this Convention the facts in reference to alleged fraudulent issue of certificates of indebtedness of war claims. Resolved further, That the Secretary of this Convention furnish to the Adjutant-General a copy of this resolution.

which was read and adopted.

Mr. Switzler called up the proposed additional rule to the rule of the Convention offered on yesterday by Mr. Shields, which was read a second time and rejected.

The Convention resumed the consideration of the amendment offered by Mr. McCabe to the amendment offered by Mr. Todd to Section twenty-four pending at adjournment on Friday, June 4th. It was rejected.

The question recurring upon the adoption of the amendment offered by Mr. Todd to Section twenty-four, Messrs. Todd and Shields demanded the ayes and noes.

The amendment was rejected by the following vote:

AYES

178] Gantt	Letcher	Pipkin	Rucker	Todd	9
Lackland	Mudd	Rippey	Spaunhorst		

NOES

Adams	Crews	Hardin	McKee	Shackelford	
Allen	Crockett	Holliday	McKillop	Shields	
Alexander	Davis	Hyer	Mortell	Taylor	
Black	Dysart	Johnson	Norton	of Jasper	
Boone	Edwards	of Cole	Priest	Taylor	
Bradfield	of Iron	Johnston	Ray	of St. Louis	
Broadhead	Edwards	of Nodaway	Roberts	Wagner	
Brockmeyer	of St. Louis	Lay	Ross	Wallace	
Carleton	Eitzen	Mabrey	of Morgan	Watkins	
Chrisman	Fyan	Massey	Ross	Mr. President	
Conway	Gottschalk	Maxey	of Polk		50
Cottey	Halliburton	McCabe			

ABSENT WITH LEAVE

Dryden	Hammond	Rider	Shanklin	4

ABSENT

Farris	Hale	Nickerson	Pulitzer	Switzler	5

The question recurring upon the adoption of Section twenty-four as reported by the Committee of the Whole, it was adopted.

Section twenty-five of the report of the Committee on Preamble and Bill of Rights was read and adopted.

The following substitute was recommended by the Committee of the Whole for Section twenty-six as reported by the Committee on Preamble and Bill of Rights:

That all persons shall be bailable by sufficient sureties, except for capital offenses when the proof is evident or the presumption great.

which was read.

Mr. Todd offered the following amendment to the substitute for Section twenty-six as reported by the Committee of the Whole:

Amend by adding the following words: "*Provided*, That no officer of the court in which the case would ordinarily be tried, shall be received as a surety."

which was read and rejected.

Mr. Dysart offered the following amendment to the substitute for Section twenty-six as reported by the Committee of the Whole:

Amend the substitute by striking out all after the word "sureties" in the first line.

which was read and rejected.

Mr. Gantt offered the following amendment to the substitute recommended by the Committee of the Whole for Section twenty-six:

Strike out, "when the proof is evident or," and insert after "pre-
179] sumption," the words, "of guilt is."

which was read and rejected.

The question recurring upon the adoption of the substitute recommended by the Committee of the Whole for Section twenty-six, it was adopted.

The following substitute was recommended by the Committee of the Whole for Section twenty-seven as reported by the Committee on Preamble and Bill of Rights:

Section 27. That excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted.

which was read.

Mr. Taylor of St. Louis offered the following amendment to the substitute recommended by the Committee of the Whole for Section twenty-seven:

Amend Section twenty-seven by striking out "and" in the second line and insert in lieu thereof the word "or."

which was read and rejected.

The substitute for Section twenty-seven as recommended by the Committee of the Whole, was adopted.

Section twenty-eight of the report of the Committee on Preamble and Bill of Rights was read.

Mr. Eitzen offered the following amendment to Section twenty-eight as reported by the Committee on Preamble and Bill of Rights:

Add, "unless when, in cases of rebellion or invasion, the public safety may require it."

which was read and rejected.

Mr. Wallace offered the following amendment to Section twenty-eight:

Amend Section twenty-eight by adding thereto the following words: "unless when in case of rebellion or invasion the General Assembly shall declare the public safety requires it."

which was read and rejected.

The question recurring upon the adoption of Section twenty-eight, it was adopted.

Section twenty-nine of the report of the Committee on Preamble and Bill of Rights was read and adopted.

On motion of Mr. Gottschalk the report of the Committee of the Whole, rejecting Section thirty as reported by the Committee on Preamble and Bill of Rights, was adopted.

The following additional section to the Bill of Rights was recommended by the Committee of the Whole:

Section 30. The right of trial by jury as heretofore enjoyed shall remain inviolate, but a jury for the trial of criminal or civil cases, 180] in courts not of record, may consist of less than twelve men, as may be prescribed by law. Hereafter a grand jury shall consist of twelve

men, any nine of whom concurring may find an indictment or a true bill, and it shall be the duty of the grand jury in each county, at least once a year, to investigate the official acts of all officers having charge of public funds, and report the same in writing to the court.

which was read.

Mr. Wallace offered the following amendment to the additional section proposed by the Committee of the Whole as Section thirty:

Strike out in lines three and four the words, "shall consist of twelve men any nine," and insert the words, "shall consist of sixteen men any twelve," in lieu thereof.

which was read and rejected.

Mr. Taylor of St. Louis offered the following amendment to the proposed Section thirty:

Amend the proposed section by striking out the words, "or a true bill," in the fourth line.

which was read and rejected.

Mr. Crews offered the following amendment to the proposed Section thirty:

Amend by inserting after the word "law" in third line the following: "the concurrence of two-thirds of whom may return a verdict."

which was read and rejected.

Mr. Gantt offered the following amendment to the proposed Section thirty:

Strike out in line two the words "criminal or" and the words "in courts not of record."

which was read and rejected.

Mr. Todd offered the following amendment to the proposed Section thirty:

Amend by striking out the words, "as heretofore enjoyed," in line one.

which was read and rejected.

Mr. Gottschalk moved to reconsider the vote by which the amendment offered by Mr. Gantt was rejected. The motion to reconsider was adopted.

The question recurring upon the adoption of the amendment offered by Mr. Gantt, Mr. Wallace called for a division

of the question. The Convention refused to divide the question. The amendment offered by Mr. Gantt was rejected.

Mr. Letcher offered the following amendment to the proposed new Section thirty:

Amend by inserting in the sixth line between the words, "funds and," 181] the following, "or of public institutions."

which was read and rejected.

Mr. Wallace offered the following amendment to the proposed new Section thirty:

Amend by inserting after the words, "at least once a year," in the fifth line the words, "when so charged by the court."

which was read and rejected.

Mr. Gottschalk offered the following amendment to the proposed new Section thirty:

Amend line 6 by striking out the words, "the same," and insert in lieu thereof, "the result of their investigation."

which was read and adopted.

Mr. Todd offered the following amendment to the proposed new Section thirty:

Amend by adding the following words: "It shall be a lawful objection to a juror, that he cannot read and write the English language, or understand its speech ordinarily well."

The question being upon the adoption of the amendment offered by Mr. Todd, Messrs. Todd and Carleton demanded the ayes and noes.

The amendment was rejected by the following vote:

AYES

Broadhead	Massey	Rucker	Taylor	Todd	9
Carleton	Rippey	Spaunhorst	of St. Louis		
Gantt					

NOES

Adams	Chrisman	Dysart	Gottschalk	Johnson
Allen	Conway	Edwards	Hale	of Cole
Alexander	Cottey	of Iron	Halliburton	Johnston
Black	Crews	Eitzen	Hardin	of Nodaway
Boone	Crockett	Farris	Hyer	Lackland
Bradfield	Davis	Fyan		

Lay	McCabe	Norton	Ross	Wallace
Letcher	McKee	Priest	of Morgan	Watkins
Mabrey	McKillop	Ray	Shackelford	Mr. President
Maxey	Mortell	Roberts	Wagner	45
McAfee	Nickerson			

ABSENT WITH LEAVE

Dryden	Hammond	Rider	Shanklin	4

ABSENT

Brockmeyer	Holliday	Pulitzer	Switzler	Taylor
Edwards	Mudd	Ross	Shields	of Jasper 10
of St. Louis	Pipkin	of Polk		

Mr. Todd offered the following amendment to the proposed new Section thirty recommended by the Committee of the Whole:

Amend by adding the following words: "It shall not be a lawful objection to a person, serving as a juror, in a criminal case, that he has information of the case or that he has an opinion in the case from such information, provided he will swear that he believes that he can render a fair and impartial verdict in the case, under the law and evidence thereof as presented on the trial, notwithstanding such information, or opinion."

which was read.

182] The question being upon the adoption of the amendment offered by Mr. Todd, Messrs. Todd and Halliburton demanded the ayes and noes.

The amendment was rejected by the following vote:

AYES

Gantt	Rucker	Todd	3

NOES

Adams	Crockett	Hyer	McKee	Shields
Allen	Davis	Johnson	McKillop	Spaunhorst
Alexander	Dysart	of Cole	Mortell	Taylor
Black	Edwards	Johnston	Nickerson	of Jasper
Boone	of Iron	of Nodaway	Norton	Taylor
Bradfield	Eitzen	Lackland	Priest	of St. Louis
Broadhead	Farris	Lay	Ray	Wagner
Carleton	Fyan	Mabrey	Rippey	Wallace
Chrisman	Gottschalk	Massey	Roberts	Watkins
Conway	Hale	Maxey	Ross	Mr. President
Cottey	Halliburton	McAfee	of Morgan	53
Crews	Hardin	McCabe	Shackelford	

ABSENT WITH LEAVE

Dryden	Hammond	Rider	Shanklin	4

ABSENT

Brockmeyer	Holliday	Pipkin	Ross	Switzler	8
Edwards of St. Louis	Mudd	Pulitzer	of Polk		

Mr. Todd offered the following amendment to the proposed new Section thirty:

Amend by adding the following: "In the trial of cases of crime it shall be the right of the jury to determine the quality or degree of the crime, of its class and its punishments, *provided, however*, that the punishment shall not exceed that declared by law for crime of its class."

which was read.

The question being on the adoption of the amendment, Messrs. Todd and Halliburton demanded the ayes and noes.

The amendment was rejected by the following vote:

AYES

Todd	1

NOES

Adams	Crockett	Hyer	McCabe	Shackelford
Allen	Davis	Johnson of Cole	McKee	Shields
Alexander	Dysart	Johnston of Nodaway	McKillop	Spaunhorst
Black	Edwards of Iron	Lackland	Mortell	Taylor of Jasper
Boone	Farris	Lay	Nickerson	Taylor of St. Louis
Bradfield	Fyan	Letcher	Norton	Wagner
Broadhead	Gantt	Mabrey	Priest	Wallace
Carleton	Gottschalk	Massey	Rippey	Watkins
Chrisman	Hale	Maxey	Roberts	Mr. President
Conway	Halliburton	McAfee	Ross of Morgan	53
Cottey	Hardin			
Crews				

ABSENT WITH LEAVE

Dryden	Hammond	Rider	Shanklin	4

ABSENT

183] Brockmeyer	Eitzen	Pipkin	Ross	Rucker	
Edwards of St. Louis	Holliday	Pulitzer	of Polk	Switzler	10
	Mudd				

Mr. Boone offered the following amendment to the proposed new Section thirty:

Amend the section by adding: "*Provided*, that the grand jury may be abolished by law in all cases."

which was read and rejected.

Mr. Shields offered the following amendment to the proposed new Section thirty:

Amend by inserting the words, "or of penal or reformatory institutions," after the word "funds" in the sixth line thereof.

which was read and rejected.

The question being upon the adoption of the section as amended, Messrs. Gottschalk and Halliburton demanded the ayes and noes.

The proposed new Section thirty, as recommended by the Committee of the whole as amended, was adopted by the following vote:

AYES

Adams	Davis	Johnston	McKillop	Rucker
Allen	Dysart	of Nodaway	Mortell	Shackelford
Alexander	Farris	Lackland	Nickerson	Shields
Black	Fyan	Lay	Norton	Taylor
Bradfield	Gantt	Letcher	Priest	of Jasper
Chrisman	Gottschalk	Maxey	Rippey	Taylor
Conway	Hale	McCabe	Roberts	of St. Louis34
Cottey		McKee		

NOES

Boone	Edwards	Johnson	Ray	Wagner
Broadhead	of Iron	of Cole	Ross	Wallace
Carleton	Halliburton	Mabrey	of Morgan	Watkins
Crews	Hardin	Massey	Spaunhorst	Mr. President
Crockett	Hyer	McAfee	Todd	21

ABSENT WITH LEAVE

Dryden	Hammond	Shanklin	Rider	4

ABSENT

Brockmeyer	Eitzen	Mudd	Pipkin	Ross
Edwards	Holliday		Pulitzer	of Polk
of St. Louis				Switzler 9

On motion of Mr. Halliburton the Convention adjourned until 2 o'clock p. m.

AFTERNOON SESSION

The Convention met pursuant to adjournment.

The roll being called the following members answered to their names:

Adams	Crockett	Halliburton	McCabe	Switzler
Allen	Davis	Hardin	McKillop	Taylor
Alexander	Dysart	Holliday	Nickerson	of St. Louis
Black	Edwards	Johnston	Priest	Wagner
Bradfield	of Iron	of Nodaway	Rippey	Wallace
Carleton	Fyan	Lackland	Rucker	Watkins
Chrisman	Gantt	Letcher	Shackelford	Mr. President
Conway	Gottschalk	Maxey	Spaunhorst	39
Cottey	Hale	McAfee		

ABSENT

Boone	Eitzen	Mabrey	Pipkin	Ross
Broadhead	Farris	Massey	Ray	of Polk
Crews	Hyer	McKee	Roberts	Shields
Edwards	Johnson	Mortell	Ross	Taylor
of St. Louis	of Cole	Mudd	of Morgan	of Jasper
	Lay	Norton		Todd 23

ABSENT WITH LEAVE

184] Brockmeyer	Hammond	Pulitzer	Rider	Shanklin	6
Dryden					

Mr. Hale asked for leave of absence for Mr. Shanklin, which was granted.

Mr. Cottey called up his amendment to Rule 34 offered yesterday which was read a second time and adopted.

Mr. Allen asked for leave of absence for Mr. Brockmeyer, which was granted.

Mr. Todd asked for leave of absence for Mr. Pultizer, which was granted.

Section thirty-one was recommended by the Committee of the whole as a new section to the Preamble and Bill of Rights, as follows:

That no title of nobility or hereditary emolument, privilege or distinction shall be granted.

which was read and rejected.

Section thirty-two was recommended by the Committee of the Whole as a new section to the Preamble and Bill of Rights, as follows:

That the people have the right peaceably to assemble for their common good and to apply to those vested with the powers of government for redress of grievances by petition or remonstrance.

which was read.

The question being on the adoption of Section thirty-two as recommended by the Committee of the Whole, Messrs. Gantt, Lay, Pipkin, Hale, and Alexander demanded the ayes and noes.

The section was adopted by the following vote:

AYES

Adams	Crockett	Johnson	McKee	Spaunhorst	
Allen	Davis	of Cole	McKillop	Switzler	
Alexander	Edwards	Johnston	Nickerson	Taylor	
Black	of Iron	of Nodaway	Norton	of Jasper	
Boone	Fyan	Lackland	Pipkin	Taylor	
Broadhead	Hale	Lay	Priest	of St. Louis	
Carleton	Halliburton	Mabrey	Roberts	Todd	
Chrisman	Hardin	Massey	Ross	Wagner	
Conway	Holliday	Maxey	of Morgan	Wallace	
Cottey	Hyer	McAfee	Rucker	Watkins	47
Crews		McCabe	Shackelford		

NOES

Bradfield	Gantt	Rippey	Mr. President	6
Dysart	Gottschalk			

ABSENT

Edwards	Eitzen	Letcher	Mudd	Ross	
of St. Louis	Farris	Mortell	Ray	of Polk	
				Shields	9

ABSENT WITH LEAVE

185] Brockmeyer	Hammond	Pulitzer	Rider	Shanklin	6
Dryden					

Section thirty-three was recommended by the Committee of the Whole as a new section to the Preamble and Bill of Rights, as follows:

That no person shall be deprived of life, liberty or property without due process of law.

which was read and adopted.

Section thirty-four was recommended by the Committee of the Whole as a new section to the Preamble and Bill of Rights, as follows:

No money shall be drawn from the treasury but in consequence of appropriations made by law, and a regular statement and account of the receipts and expenditures of all public money shall be published from time to time.

which was read and adopted.

Mr. Wallace offered the following as a new section to the Preamble and Bill of Rights:

Section—. That there cannot be in this State, either slavery or involuntary servitude except in punishment of crime, whereof the party shall have been duly convicted.

which was read.

Mr. Dryden offered the following for the proposed section of Mr. Wallace:

There shall be no slavery in this State nor involuntary servitude unless for the punishment of crimes.

which was read and rejected.

The question recurring on the adoption of the additional section offered by Mr. Wallace, Messrs. Wallace, Alexander, Shackelford, Rucker and Switzler demanded the ayes and noes.

The additional section was adopted by the following vote:

AYES

Adams	Dysart	Johnson	McKillip	Shields
Allen	Edwards	of Cole	Nickerson	Spaunhorst
Alexander	of Iron	Johnston	Norton	Switzler
Black	Farris	of Nodaway	Pipkin	Taylor
Boone	Fyan	Lackland	Priest	of Jasper
Bradfield	Gantt	Lay	Ray	Taylor
Broadhead	Gottschalk	Mabrey	Ross	of St. Louis
Chrisman	Hale	Massey	of Morgan	Todd
Conway	Halliburton	Maxey	Ross	Wagner
Cottey	Hardin	McAfee	of Polk	Wallace
Crews	Holliday	McCabe	Rucker	Mr. President
Crockett	Hyer	McKee	Shackelford	52

NOES

Carleton	Davis	Watkins	3

ABSENT

Edwards	Eitzen	Mortell	Rippey	Roberts	7
of St. Louis	Letcher	Mudd			

186] ABSENT WITH LEAVE

Brockmeyer	Hammond	Pulitzer	Rider	Shanklin	6
Dryden					

A report was received from the Adjutant-General in compliance with the resolution offered by Mr. Gottschalk, which was laid over informally.

Mr. Lackland offered the following as an additional section to the Preamble and Bill of Rights:

That no person can, on account of color, be disqualified as a witness, or be disabled to contract otherwise than as others are disabled, or be liable to any other punishment for any offenses than that imposed upon others for a like offense, or be restricted in the exercise of religious worship, or be hindered in acquiring education, or be subjected in law to any other restraints or disqualifications, in regard to any personal rights, than such as are laid upon others under like circumstances.

which was read and on motion of Mr. Massey laid on the table.

Mr. Johnson of Cole offered the following as a new section to the Preamble and Bill of Rights:

That this State is and shall remain a part of the American Union, and the provisions of the Constitution of the United States and of this State have the same binding force in time of war as in the time of peace, and any departure therefrom at any time, or under any circumstances, is subversion of good government and the rights of the citizen and tends to anarchy and despotism.

which was read and on motion of Mr. Todd referred to the Committee on Federal Relations.

Mr. Lay offered the following as an additional section to the Bill of Rights:

The enumeration in this Constitution of certain rights shall not be construed to deny, impair, or disparage others retained by the people.

which was read and adopted.

The Preamble to the Bill of Rights was read.

Mr. Switzler offered the following substitute for the Preamble as reported by the Committee of the Whole:

We, the people of the State of Missouri, grateful to Almighty God,
187] for the civil, political and religious liberty He has permitted us to enjoy, and looking to Him for guidance in our endeavors to secure and transmit the same unimpaired to succeeding generations, in order to form a more perfect government, to establish justice, insure domestic tranquility, provide for the common defense, promote the general welfare and secure the blessings of liberty to ourselves and our posterity, do ordain and establish this Constitution for the State of Missouri.

which was read.

Mr. Carleton offered the following amendment to the substitute offered by Mr. Switzler:

Amend the substitute by striking out everything after the word "Missouri" in the first line and inserting in lieu thereof the following: "In Convention assembled in order to form a more perfect government, establish justice, insure domestic tranquility, provide for the common defense, promote the general welfare and secure the blessings of liberty to ourselves and to our posterity do ordain and establish this revised and amended Constitution."

which was read and rejected.

Mr. Todd offered the following substitute for the original Preamble as reported by the Committee and the substitute offered by Mr. Switzler:

We, the people of the State of Missouri, do for the better government of the State establish this Constitution, in order to assert our rights, acknowledge our duties and proclaim the principles on which our government is founded, we declare.

which was read.

Mr. Shields rose to a point of order and stated that both the propositions now pending were substitutes and two substitutes could not be entertained at the same time. The Chair decided the point of order not well taken as the proposition offered by Mr. Switzler was nothing more than an amendment to the Preamble.

Mr. Shields appealed from the decision of the Chair. The decision of the Chair was sustained.

Mr. Hardin moved the previous question, which was ordered.

188] The Chair stated that the question before the Convention was the adoption of the Preamble.

Mr. Todd called for the consideration of his proposed substitute.

The Chair decided that by the operation of the previous question the substitute was not in order.

The question being upon the adoption of the Preamble, it was adopted.

Mr. Switzler offered the following resolution:

Resolved, That the Preamble and Bill of Rights be referred to the Committee on Revision with instructions carefully to revise the same, correct whatever errors of grammar or punctuation may have occurred, adjust the sections in such order as to them may seem best and report the same to this Convention at any early day, printed and properly engrossed for final adoption.

which was read.

Mr. Conway stated that the lines commencing with the words, "in order," and ending with the word "declare" immediately preceding first section of the Bill of Rights had not been adopted by the Convention.

The Chair stated the clause had been adopted as part of the preamble and the gentleman was out of order, as the only question before the Convention was the resolution offered by Mr. Switzler.

Mr. Shields rose to a point of order and stated that Mr. Conway was in order, as he said he would speak to the pending resolution, and appealed from the decision of the Chair.

The decision of the Chair was sustained.

The question recurring on the adoption of the resolution it was adopted.

Mr. Rucker of Boone offered the following resolution:

Resolved, That the President of the Convention be requested to add the chairman of each standing committee to the Committee on Revision.

which was read and adopted.

On motion of Mr. Farris the Convention adjourned until Monday morning, 9 o'clock.

189] MONDAY, JUNE 7, 1875

MORNING SESSION

The Convention met pursuant to adjournment, the President in the chair.

Prayer by Rev. C. C. Woods.

The Journal of Saturday was read and approved.

Mr. Holliday presented a petition from a part of the citizens of Daviess county asking that a clause be inserted in the new Constitution prohibiting the Legislature from convening oftener than once in every four years, which was read and referred to the Committee on Legislative Department, and ordered to be entered on the journal by title only.

Mr. Switzler offered the following resolution:

Resolved, That the Committee on Executive and Ministerial Officers of County and Municipal Government be instructed to inquire into the expediency of incorporating in the new Constitution the following: The abolition of the present county court system and the substitution of one provision for the election by the people of each county, counties of more than forty thousand inhabitants excepted, of one justice of the county court with probate jurisdiction, whose salary shall be fixed by law.

which was read and on motion referred to the Committee on Executive and Ministerial Officers of County and Municipal Government.

Mr. Pipkin offered the following resolution:

Resolved, That the Treasurer of this State be requested to inform the Convention:

First. What amount of money is now in the treasury.

Second. For the payment of what funds is the said amount subject.

Third. What amount if any is now in the treasury subject to the payment of per diem and mileage of members of the Convention.

which was read and adopted.

Mr. Johnson of Cole offered the following resolution:

Resolved, That there be appointed a standing committee of seven on the subject of homestead and exemption.

which was read and rejected.

Mr. Dysart presented the following petition:

To the Constitutional Convention of the State of Missouri:

The Adair county bar beg leave to call your attention to the importance and necessity of imposing on the Legislature by constitutional provision the establishment of a uniform system of common pleas courts throughout the State with exclusive original jurisdiction in all probate matters and such civil and criminal jurisdiction as may be fixed by the Legislature.

190] which was read and on motion referred to the Committee on Judicial Department.

Mr. Norton moved that the Convention resolve itself into Committee of the Whole for the further consideration of the report of the Committee on Representation, Representative and Senatorial Districts, which was agreed to.

The President resumed the chair and called the Convention to order.

Mr. Shields from the Committee of the Whole submitted the following report:

Mr. President:

The Committee of the Whole to which was referred the report of the Committee on Representation, Representative and Senatorial Districts, instruct me to report that they have, according to the order of the Convention, had under consideration the said report, and have arrived at no conclusion, and ask to be discharged from consideration of the subject.

G. H. Shields, *Chairman.*

On motion of Mr. Gottschalk the Convention took up the minority report of the Committee on Representation, Representative and Senatorial Districts, as an amendment to the report of the said Committee.

On motion of Mr. Massey the Convention postponed the further consideration of the report until Monday, June 14, 1875.

The report of the Committee on Executive and Ministerial Departments of State Government was taken up.

Mr. Adams offered the following amendment to Section one of the report of the Committee on Executive and Ministerial Departments of State Government:

Amend Section one of report of Committee by striking out, "Superintendent of Public Schools."

which was read.

The question being upon the adoption of the amendment, Messrs. Alexander, Todd, Switzler, Cottey and Halliburton, demanded the ayes and noes.

The amendment was rejected by the following vote:

AYES

Adams	Edwards	Maxey	Ross	Taylor	
Black	of Iron	McKillop	of Morgan	of St. Louis	
Bradfield	Fyan	Nickerson	Ross	Wagner	
Broadhead	Halliburton	Pipkin	of Polk	Wallace	
Carleton	Holliday	Priest	Shackelford	Watkins	
Chrisman	Hyer	Rippey	Spaunhorst	Mr. President	
	Massey	Roberts			28

NOES

191] Allen	Davis	Johnson	McAfee	Rucker	
Alexander	Dysart	of Cole	McCabe	Shields	
Boone	Eitzen	Johnston	McKee	Switzler	
Conway	Gantt	of Nodaway	Mortell	Taylor	
Cottey	Gottschalk	Lackland	Norton	of Jasper	
Crews	Hale	Letcher	Ray	Todd	29
Crockett		Mabrey			

ABSENT

Edwards	Farris	Hardin	Lay	Mudd	5
of St. Louis					

ABSENT WITH LEAVE

Brockmeyer	Hammond	Pulitzer	Rider	Shanklin	6
Dryden					

Mr. Spaunhorst offered the following amendment to Section one:

Amend Section one by striking out in line two the words, "Auditor of Public Accounts," and insert the following in lieu thereof, after the word State, "A State Auditor, a State."

which was read and agreed to.

The question recurring upon the adoption of Section one as amended, it was adopted.

Section two of report of the Committee on Executive and Ministerial Departments of the State Government was taken up.

Mr. Maxey offered the following amendment to Section two:

Amend Section two by adding after the words, "State Auditor," in the second line, "State Treasurer," and by striking out all after the word "thereafter" in the eighth line to the word "at" in the ninth line.

which was read and rejected.

Mr. Davis offered the following substitute for Section two:

Strike out all after the words "Section two" and substitute the following: "The term of office of the Governor, Lieutenant-Governor, Secretary of State, State Auditor, State Treasurer, Attorney-General, and Superintendent of Public Schools shall be for two years from the second Monday of January next after their elections, and until their successors are elected and qualified. An election for said officers, under this Constitution, shall be held at the general election on the first Tuesday after the first Monday in November, in the year 1876 and every two years thereafter, except for Superintendent of Public Schools, which election shall be held on Tuesday next after the first Monday in November in the year 1878, at such times and in such manner as may be prescribed by law."

which was read.

Mr. Norton offered the following amendment to Section two:

Amend by striking out the word "his" in the third line wherever it occurs and inserting the word "their" and by striking out the words, 194*] "successor is," and inserting "successors are."

which was read and agreed to.

The question recurring upon the adoption of the substitute offered by Mr. Davis for Section two, Messrs. Todd, Cottey, Gottschalk, Switzler, and Hale, demanded the ayes and noes.

The substitute was rejected by the following vote:

AYES

Boone	Johnson	Ray	Shields	Watkins	6
Davis	of Cole				

NOES

Adams	Broadhead	Crews	Eitzen	Halliburton
Allen	Carleton	Crockett	Fyan	Holliday
Alexander	Chrisman	Dysart	Gantt	Hyer
Black	Conway	Edwards	Gottschalk	Johnston
Bradfield	Cottey	of Iron	Hale	of Nodaway

*Pages 192 and 193 of the original Journal are blank.

Lackland	McKee	Rippey	Rucker	Taylor	
Letcher	McKillop	Roberts	Shackelford	of St. Louis	
Mabrey	Mortell	Ross	Spaunhorst	Todd	
Massey	Nickerson	of Morgan	Switzler	Wagner	
Maxey	Norton	Ross	Taylor	Wallace	
McAfee	Pipkin	of Polk	of Jasper	Mr. President	
McCabe	Priest				51

ABSENT

Edwards of St. Louis	Farris	Hardin	Lay	Mudd	5

ABSENT WITH LEAVE

Brockmeyer	Hammond	Pulitzer	Rider	Shanklin	6
Dryden					

Mr. Massey offered the following amendment to Section two as amended:

Strike out, "Tuesday after the first Monday in November," in the fifth line.

which was read and rejected.

Mr. McCabe offered the following amendment to Section two as amended:

Strike out, "on the first day above mentioned," in lines eight and nine and insert "on the day of election first above mentioned."

Amend by striking out in the ninth line the word "first" and adding after the word "day" the word "first," and by adding after the word "mentioned" in the same line the words, "for general election."

which was read and adopted.

Mr. Shields offered the following substitute for Section two as amended:

Amend by substituting the following as Section two: "The term of office of the Governor, Lieutenant-Governor, Secretary of State 195] Attorney-General and State Treasurer, shall be two years from the second Monday of January next after their election and until their successors are elected and qualified. The term of office of the Superintendent of Public Schools and State Auditor shall be four years from the second Monday of January next after their election and until their successors are elected and qualified. An election of said officers, except for Superintendent of Public Schools, under this Constitution shall be held at the general election on the first Tuesday after the first Monday in November in the year eighteen hundred and seventy-six, and every two years thereafter, and the Superintendent of Public Instruction shall be elected on the Tuesday next after the first Monday in November in

the year eighteen hundred and seventy-eight and every four years thereafter at such places and in such manner as may be prescribed by law."

which was read.

Mr. Conway offered the following amendment to Section two as amended:

Amend by inserting after the word "Auditor" in line two the word "Treasurer" and insert after the word "eight" in the eighth line, the words, "who shall hold his office for two years, and after the expiration of his term of office, the Superintendent of Public Schools shall be elected at the same time that the other officers named are elected and shall hold his office for four years thereafter," and strike out all after the word "thereafter" in the eighth line.

which was read and rejected.

The question recurring upon the adoption of the substitute for Section two, offered by Mr. Shields, Messrs. Shields, Davis, Boone, Allen, and Cottey, demanded the ayes and noes.

Mr. Bradfield moved that the Convention adjourn until 2 o'clock p. m.

The Convention refused to adjourn. The roll being called.

The substitute offered by Mr. Shields was rejected by the following vote:

AYES

Boone	Davis	Gottschalk	Johnson of Cole	Shields	5

NOES

Adams	Dysart	Lackland	Norton	Spaunhorst	
Allen	Edwards	Letcher	Pipkin	Switzler	
Alexander	of Iron	Mabrey	Priest	Taylor	
Black	Eitzen	Massey	Rippey	of Jasper	
Bradfield	Fyan	Maxey	Roberts	Taylor	
Broadhead	Gantt	McAfee	Ross	of St. Louis	
Carleton	Hale	McCabe	of Morgan	Todd	
Chrisman	Halliburton	McKee	Ross	Wallace	
Conway	Hardin	McKillop	of Polk	Watkins	
Cottey	Hyer	Mortell	Rucker	Mr. President	
Crews	Johnston	Nickerson	Shackelford		50
Crockett	of Nodaway				

ABSENT

196] Edwards of St. Louis	Farris Holliday	Lay Mudd	Ray	Wagner	7

ABSENT WITH LEAVE

Brockmeyer Dryden	Hammond	Pulitzer	Rider	Shanklin	6

Mr. McCabe offered the following amendment to Section two as amended:

Amend by adding after the word "for" in the eighth line the word "State" so as to read "State Treasurer."

which was read and adopted.

Mr. Hale offered the following amendment to Section two as amended:

Amend Section two by inserting after the word "qualified" in the third line the following: "and shall thereafter each be ineligible for election to the office they may respectively have so held for the term of four years."

On motion of Mr. Alexander the Convention adjourned until 2 o'clock p. m.

AFTERNOON SESSION

The Convention met pursuant to adjournment, Vice-President Watkins in the chair.

Mr. Gantt offered the following amendment to the report of the Committee on Representation, Representative and Senatorial Districts:

The number in the House of Representatives shall never exceed one hundred and fourteen, and the number in the Senate shall never exceed thirty eight; and the members thereof shall be apportioned as follows:

The General Assembly meeting first after the adoption of this Constitution shall divide the whole population of the State, as ascertained by the last federal census, by the number thirty-eight; and shall proceed to divide the State into thirty-eight districts of compact and contiguous territory, each district containing a population as nearly as may be equal to the quotient ascertained as above provided, except that in counties containing cities of a population exceeding two hundred thousand, the senatorial districts, shall contain a population one-third larger. These districts shall be numbered from one to thirty-eight. At the general election first after such division one Senator shall be elected from

197] each senatorial district by the qualified voters thereof, the Senators elected from the districts having odd numbers shall hold office for two years and the Senators elected from districts having even numbers shall hold office for four years from the day of their election; but the seat of every Senator, whether for an odd or even district, shall be vacated at the end of the session of the General Assembly next after the taking and publication of any decennial federal census. From each of the senatorial districts thus ascertained three members of the House of Representatives shall be elected at every general election, who shall hold office for two years thereafter. At such election any voter may cast for any designated candidate as many votes as there are Representatives to be elected, or may distribute his votes among the candidates at his discretion.

At the session of the General Assembly next after the taking and publication of each federal decennial census the process of dividing the State as indicated in Section——of this article shall be repeated, the whole number of senatorial districts never exceeding thirty-eight, but the General Assembly may at any time lessen the number of such senatorial districts.

which was read and on motion ordered printed.

The Convention resumed the consideration of the amendment offered by Mr. Hale to Section two pending at adjournment.

The amendment was adopted.

Mr. Halliburton offered the following substitute for Section two as amended:

Strike out all after the words "Section two" and substitute the following: "The term of office of Governor, Lieutenant-Governor, Secretary of State, State Auditor, Superintendent of Public Schools and Attorney-General shall be four years from the second Monday of January next after this election, and until their successors are elected and qualified: *Provided*, that they shall not be eligible to be re-elected as their own successors. An election for said officers (except the Superintendent of Public Schools) under this Constitution, shall be held at the general election on the first Tuesday after the first Monday in November, in the year eighteen hundred seventy-six, and every four years thereafter, and for Superintendent of Public Schools on Tuesday after the first Monday in November in the year eighteen hundred seventy-eight, and every four years thereafter, and for State Treasurer, whose term of office shall be for two years, on the Tuesday after the first Monday in November eighteen hundred and seventy-six and every two years thereafter: *Provided*, that the Treasurer shall not be eligible 198] to a re-election as his own successor."

which was read and rejected.

Mr. Fyan offered the following substitute for Section two as amended:

The term of office for Governor, Lieutenant-Governor, Secretary of State, State Auditor, Attorney-General, State Treasurer and Superintendent of Public Schools shall be two years from the second Monday of January next after their election and until their successors are elected and qualified. An election for said officers under this Constitution shall be held at the general election on the first Tuesday after the first Monday in November in the year eighteen hundred and seventy-six, and every two years thereafter, *provided*, the present Superintendent of Public Schools shall hold his office for the term for which he was elected.

which was read and rejected.

Mr. Shields offered the following substitute for Section two as amended:

The term of office of the Governor, Lieutenant-Governor, Secretary of State, State Auditor, Attorney-General, and Superintendent of Public Schools shall be four years, and that of State Treasurer shall be two years from the second Tuesday of January next after their election and until their successors are elected and qualified, and none of said officers shall be eligible to re-election in a period of four years next after their terms expire. An election for said officers except Superintendent of Public Schools under this Constitution shall be held at the general election on the first Tuesday after the first Monday in November in the year 1876 and every four years thereafter, except State Treasurer who shall be elected every two years thereafter. The Superintendent of Public Schools shall be elected on Monday after the first Tuesday in November in the year 1878 and every four years thereafter, at such places and in such manner as may be prescribed by law.

which was read and rejected.

Mr. Gottschalk offered the following substitute for Section two as amended:

All officers mentioned in the pending section shall hold their offices for the term of four years, with the exception of the State Treasurer, whose term shall be two years, and which terms shall commence on the second Monday of January next after their election, and general elections **199**] for said officers shall take place in such manner and at such places as may be provided by law, in the year 1876 and every four years thereafter, with the exception of the State Treasurer, who shall be elected every two years, but the next election for Superintendent of Public Schools shall take place in the year 1878, and every four years thereafter. All said officers shall be ineligible for the term of office immediately succeeding that of their first election.

which was read.

Mr. Shackelford offered the following amendment to Section two:

Amend Section two, as follows: After the word "Attorney-General" in the second line insert "Superintendent of Public Schools," and after the word "Treasurer" in eighth line insert, "whose term of office shall be two years from the second Monday of January next after his election and until his successor is elected and qualified."

which was read and adopted.

Mr. Shackelford offered the following amendment to Section two:

Amend by inserting after the word "officers" in fourth line the words, "except the Superintendent of Public Schools."

which was read and rejected.

The question recurring on the adoption of the substitute offered by Mr. Gottschalk, it was rejected.

Mr. Gantt offered the following substitute for Section two as amended:

The term of office of the Governor, Lieutenant-Governor, Secretary of State, State Auditor, Attorney-General, and Superintendent of Public Schools, shall be four years from the second Monday of January next after their election and until their successors are elected and qualified. The State Treasurer shall hold his office for two years from the second Monday of January next after his election and until his successor is elected and qualified. All these officers, except the Superintendent of Public Schools, shall be elected at the general election in the year 1876, and on the same occasion in the last year of their respective terms thereafter. The Superintendent of Public Schools shall be elected at the general election in 1878, and every four years thereafter, and none of the officers named in this section shall be re-eligible at the end of their respective terms.

which was read and rejected.

Mr. Shields offered the following substitute for Section two as amended:

The term of office of the Governor, Lieutenant-Governor, Secretary of State, State Auditor, Attorney-General, and Superintendent of Public
200] Schools shall be four years, and that of the State Treasurer two years, from the second Monday of January next after their election and and until their successors are elected and qualified, and all of said officers shall be ineligible to re-election as their own successors. At the general election held in the year 1876 and every four years thereafter all of such officers except Superintendent of Public Schools shall be elected, *provided*, that the State Treasurer shall be elected every two years, and the Superintendent of Public Schools shall be elected at the general election in the year 1878, and every four

years thereafter at such places and in such manner as may be provided by law.

which was read and adopted.

Mr. Todd offered the following amendment to the substitute:

Amend by adding after the words, "their own successors," the words, "excepting the State Auditor, Superintendent of Public Schools, Attorney-General."

which was read and rejected.

Mr. Conway offered the following amendment to the substitute:

Amend the substitute by inserting after the words, "said officers," in the ninth line of substitute, the words, "except the Secretary of State, State Auditor, Superintendent of Public Schools and Attorney-General."

which was read.

The question being on the adoption of the amendment to the substitute, Messrs. Todd, Conway, Allen, Lackland and Ross of Polk, demanded the ayes and noes.

The amendment was rejected by the following vote:

AYES

Allen	Conway	Holliday	McAfee	Taylor	
Alexander	Davis	Lackland	Rippey	of St. Louis	
Broadhead	Fyan	Massey	Ross	Todd	
Carleton	Gantt	Maxey	of Polk	Watkins	18

NOES

Adams	Edwards	Johnston	Nickerson	Spaunhorst	
Black	of Iron	of Nodaway	Norton	Switzler	
Boone	Eitzen	Lay	Pipkin	Taylor	
Bradfield	Gottschalk	Letcher	Priest	of Jasper	
Chrisman	Hale	Mabrey	Roberts	Wagner	
Cottey	Halliburton	McCabe	Rucker	Wallace	
Crews	Hyer	McKee	Shackelford	Mr. President	
Crockett	Johnson	McKillop	Shields		37
Dysart	of Cole				

ABSENT

Edwards	Farris	Mortell	Ray	Ross	
of St. Louis	Hardin	Mudd		of Morgan	7

ABSENT WITH LEAVE

Brockmeyer	Hammond	Pulitzer	Rider	Shanklin	6
Dryden					

201] Mr. Lay offered the following substitute for Section two as amended by the substitute:

The term of office of the Governor, Lieutenant-Governor, Secretary of State, State Auditor, Attorney-General, Superintendent of Public Schools and State Treasurer shall be four years from the second Monday of January next after their election, and until their successors are elected and qualified. An election for said officers, except the Superintendent of Public Schools, shall be held at the general election in the year one thousand eight hundred and seventy-six and every four years thereafter. The election for Superintendent of Public Schools shall be held at the general election in the year one thousand eight hundred and seventy-eight and every four years thereafter, and each of said officers shall be ineligible for re-election to said offices for the term of four years next after the expiration of their term of office.

which was read.

Mr. Spaunhorst offered the following amendment to the substitute offered by Mr. Lay:

Amend by inserting after the word "officers," "except the State Auditor."

which was read and rejected.

Mr. Dysart offered the following amendment to the substitute:

Amend by inserting after the words, "said officers shall not be eligible," the words, "except the State Auditor, Superintendent of Public Schools and Attorney-General."

which was read and rejected.

The question recurring on the adoption of the substitute offered by Mr. Lay, it was rejected.

Section two as amended by the substitute offered by Mr. Shields was adopted.

Section three was read.

Mr. Conway offered the following amendment to Section three:

Amend by striking out all after the word "law" in the twelfth line.

which was read and agreed to.

Mr. Bradfield offered the following amendment to Section three:

Amend Section three by adding after the word "officers" in the first line the words, "except Superintendent of Public Schools."

which was read and rejected.

Mr. Gottschalk offered the following amendment to Section three:

Amend by striking out all after the words, "for said office," in line ten.

which was read.

Mr. Switzler moved the previous question, which was ordered.

202] The question being on agreeing to the amendment offered by Mr. Gottschalk, Messrs. Fyan, Gottschalk, McAfee, Ross of Polk, and Todd demanded the ayes and noes.

The amendment was agreed to by the following vote:

AYES

Adams	Crews	Halliburton	McKillop	Spaunhorst	
Allen	Dysart	Hyer	Nickerson	Switzler	
Alexander	Edwards	Johnson	Pipkin	Taylor	
Black	of Iron	of Cole	Rippey	of St. Louis	
Boone	Eitzen	Lackland	Ross	Todd	
Bradfield	Fyan	Lay	of Polk	Wagner	
Broadhead	Gantt	Mabrey	Rucker	Mr. President	
Carleton	Gottschalk	McAfee	Shields		38
Chrisman	Hale	McKee			

NOES

Conway	Johnston	McCabe	Ross	Taylor	
Cottey	of Nodaway	Norton	of Morgan	of Jasper	
Crockett	Letcher	Priest	Shackelford	Wallace	
Holliday	Maxey	Roberts		Watkins	16

ABSENT

Davis	Farris	Massey	Mudd	Ray	8
Edwards	Hardin	Mortell			
of St. Louis					

ABSENT WITH LEAVE

Brockmeyer	Hammond	Pulitzer	Rider	Shanklin	6
Dryden					

The question recurring on the adoption of Section three as amended, it was adopted.

Mr. Hale offered the following as a new section to the report of the Committee:

Contested elections of Governor and Lieutenant-Governor shall be decided by a joint vote of both houses of the General Assembly in such

manner as may be provided by law, and contested elections of Secretary of State, State Auditor, State Treasurer, Attorney-General, and Superintendent of Public Schools shall be decided before such tribunal and in such manner as may be provided by law.

which was read and adopted.

Section four was read and adopted.

Section five was read.

Mr. Cottey offered the following substitute for Section five:

No person shall be eligible to the office of Governor or Lieutenant-Governor who shall not have attained the age of thirty-five years, a male citizen of the United States ten years and a resident of this State seven years, next before his election. Neither the Governor, Lieutenant-Governor, State Auditor, Secretary of State, Superintendent of Public 203] Schools, State Treasurer, nor Attorney-General shall be eligible to any other office during the period for which he shall have been elected.

which was read.

Mr. Todd offered the following amendment to the substitute:

Amend the substitute by inserting the words "and a" between the words "male" and "citizen" in line one.

which was read.

Mr. Hale offered the following amendment to Section five:

Amend Section five by inserting before the word "male" in line one the word "white."

which was read and rejected.

Mr. Shields offered the following amendment to Section five:

Amend Section five by striking out the word "five" after the word "thirty" in the first line.

which was read and rejected.

The question recurring on agreeing to the amendment offered by Mr. Todd to the substitute offered by Mr. Cottey, it was rejected.

Mr. Shields offered the following amendment to the substitute:

Amend the substitute by striking out the word "five" after the word "thirty."

which was read.

The question being on agreeing to the amendment offered by Mr. Shields to the substitute, Messrs. Alexander, Cottey, Edwards of Iron, Shields and Todd, demanded the ayes and noes.

The amendment was rejected by the following vote:

AYES

Alexander	Conway	Lackland	Ross	Shields	
Black	Fyan	Maxey	of Morgan	Spaunhorst	
Boone	Halliburton	McKee	Ross	Taylor	
Bradfield	Johnson	McKillop	of Polk	of St. Louis	
Carleton	of Cole		Rucker	Mr. President	
Chrisman					22

NOES

Adams	Edwards	Hyer	Norton	Taylor	
Allen	of Iron	Johnston	Pipkin	of Jasper	
Cottey	Eitzen	of Nodaway	Priest	Todd	
Crews	Gantt	Lay	Rippey	Wagner	
Crockett	Gottschalk	Letcher	Roberts	Wallace	
Dysart	Hale	McCabe	Shackelford	Watkins	28
	Holliday				

ABSENT WITH LEAVE

Brockmeyer	Hammond	Pulitzer	Rider	Shanklin	6
Dryden					

ABSENT

Broadhead	Edwards	Farris	Mabrey	Nickerson	
Davis	of St. Louis	Hardin	Massey	Ray	
			Mortell	Switzer	12
			Mudd		

204] Mr. Todd offered the following amendment to the substitute offered by Mr. Cottey:

Amend by adding the following words: "And in whose oath of office shall be added these words 'and will not be a candidate for any other office during the term of my office.' "

which was read.

The President laid before the Convention the following communication from the State Treasurer, in response to the resolution offered by Mr. Pipkin:

OFFICE OF STATE TREASURER

Jefferson City, Mo., June 7, 1875.

Hon. Waldo P. Johnson,
President Constitutional Convention.
Dear Sir:

In compliance with a resolution of your honorable body requesting me to give information in regard to the following interrogatories, viz.:

1. What amount of money is now in the treasury?
2. For the payment of what fund is said amount subject?
3. What amount if any is now in the treasury subject to the payment of per diem and mileage of members of the Convention?

I shall answer each separately and in the order presented.

1. There is one hundred and sixty-five thousand nine hundred sixty-five and 43-100 ($165,965.43) dollars in the treasury.

2. Payable on the following funds: State interest, State library, executors and administrators, swamp land indemnity, county revenue, soldiers orphan home, road and canal, redemption land, penitentiary, Warrensburg (Johnson Co.) and Douglas county bond interest fund.

3. There is no fund on hand for the pay of members of the Constitutional Convention. The appropriation for this fund is made from the State revenue and I am now carrying thirty-five thousand nine hundred eleven 19-100 ($35,911.19) dollars on said revenue fund.

I have the honor to be very respectfully,

Jas. W. Mercer, *State Treasurer.*

205] On motion of Mr. Watkins the Convention adjourned until tomorrow, 9 o'clock a. m.

TUESDAY, JUNE 8, 1875

MORNING SESSION

The Convention met pursuant to adjournment, the President in the chair.

Prayer by the Rev. Mr. Parker.

The journal of yesterday was read and approved.

The question being upon the adoption of the substitute offered by Mr. Cottey to Section five of the report of the Committee on Executive and Ministerial Departments of the State Government, pending at adjournment on yesterday, by unanimous consent of the Convention, Mr. Cottey withdrew his substitute.

Mr. Cottey offered the following substitute:

Strike out Section five and substitute the following:

Section—.No person shall be eligible to the office of Governor or Lieutenant-Governor, who shall not have attained the age of thirty-five years, and who shall not have been a citizen of the United States ten years and a resident of this State seven years next preceding his election. Neither the Governor, Lieutenant-Governor, State Auditor, State Treasurer, Secretary of State, Superintendent of Public Schools, nor Attorney-General shall be eligbile to any other office during the period for which he shall have been elected.

which was read.

Mr. Todd offered the following amendment to the substitute offered by Mr. Cottey:

Amend the substitute by adding the following: "In the oath of office taken by each of said officers shall be these words 'I will not accept the appointment or election to any other office whatsoever of profit, trust or emolument during the term of my office.' "

which was read and rejected.

Mr. Conway offered the following amendment to the substitute for Section five:

Amend the substitute by inserting instead of, "who shall not have attained the age of thirty-five years" the words, "who have not attained the age of thirty years."

which was read.

206] Mr. Norton rose to a point of order and stated that an amendment embodying the same subject matter and to the same point had been rejected on yesterday and that the amendment was not in order. Mr. Shields rose and objected to the point of order stating that the amendment offered by Mr. Conway was different from the one rejected as referred to by Mr. Norton. The Chair ruled that the amendment offered by Mr. Conway was in order.

The question being upon the adoption of the amendment, it was adopted.

Mr. Conway offered the following amendment to the substitute as amended:

Amend by inserting the word "male" before the word "citizen."

which was read and rejected.

Mr. Massey offered the following amendment to the substitute as amended:

Amend by striking out the word "thirty" in the first line and insert in lieu thereof the word "forty-five."

Mr. Hardin offered the following amendment to the amendment offered by Mr. Massey:

Amend the amendment by striking out the word "forty-five" and insert "twenty-five."

which was read and rejected.

The question recurring upon the adoption of the amendment to the substitute as amended, it was rejected.

Mr. McCabe offered the following amendment to the substitute:

Amend by striking out the word "thirty" and substituting the word "forty."

which was read.

Mr. Alexander moved the previous question, which was ordered.

Mr. Crockett asked leave of absence for Mr. Ray, which was granted.

The question recurring upon the adoption of the amendment offered by Mr. McCabe, it was rejected.

The question recurring upon the adoption of the substitute for Section five offered by Mr. Cottey, Messrs. Alexander, Boone, Cottey, Gottschalk, and Norton demanded the ayes and noes.

207] The roll being called the substitute was rejected by the following vote:

AYES

Alexander	Davis	Johnson	Mortell	Shields	
Black	Edwards	of Cole	Mudd	Spaunhorst	
Boone	of St. Louis	Lackland	Ross	Taylor	
Conway	Fyan	Maxey	of Polk	of St. Louis	
Crews		McAfee	Rucker	Wagner	20

NOES

Adams	Dryden	Gottschalk	Johnston	McKee
Allen	Dysart	Hale	of Nodaway	McKillop
Bradfield	Edwards	Halliburton	Lay	Nickerson
Chrisman	of Iron	Hardin	Mabrey	Norton
Cottey	Eitzen	Holliday	Massey	Pipkin
Crockett	Gantt	Hyer	McCabe	Priest

Pulitzer	Ross	Shanklin	Todd	Watkins	
Rippey	of Morgan	Switzler	Wallace	Mr. President	
Roberts	Shackelford	Taylor of Jasper			40

ABSENT

Broadhead	Carleton	Farris	Letcher	4

ABSENT WITH LEAVE

Brockmeyer	Hammond	Rider	Ray	4

The question being upon the adoption of Section five as reported by the Committee, Messrs. Taylor of St. Louis, Hardin, Pulitzer, Edwards of Iron, Priest and Norton demanded the ayes and noes.

Section five was adopted by the following vote:

AYES

Adams	Edwards	Hyer	Pipkin	Switzler	
Alexander	of Iron	Johnston	Priest	Taylor	
Black	Eitzen	of Nodaway	Pulitzer	of Jasper	
Bradfield	Gantt	Massey	Rippey	Todd	
Chrisman	Gottschalk	McCabe	Ross	Wagner	
Crockett	Hale	McKee	of Morgan	Wallace	
Dryden	Halliburton	Nickerson	Shackelford	Watkins	35
Dysart	Holliday	Norton	Shanklin		

NOES

Boone	Edwards	Lackland	Mortell	Shields	
Broadhead	of St. Louis	Lay	Mudd	Spaunhorst	
Carleton	Fyan	Mabrey	Roberts	Taylor	
Conway	Hardin	Maxey	Ross	of St. Louis	
Cottey	Johnson	McAfee	of Polk	Mr. President	
Crews	of Cole	McKillop	Rucker		26
Davis					

ABSENT

Allen	Farris	Letcher	3

ABSENT WITH LEAVE

Brockmeyer	Hammond	Ray	Rider	4

Mr. Pulitzer asked to have a motion to reconsider the vote by which Section five was adopted and entered upon the journal.

Mr. Norton moved to lay the motion to reconsider upon the table.

208] The question being on the adoption of the motion to lay the motion to reconsider on the table, Messrs. Hardin, Cottey, Gottschalk, Shields and Mortell demanded the ayes and noes.

The motion to lay the motion to reconsider on the table was rejected by the following vote:

AYES

Adams	Gantt	Massey	Rippey	Taylor	
Alexander	Hale	McCabe	Ross	of Jasper	
Broadhead	Halliburton	McKee	of Morgan	Todd	
Chrisman	Holliday	Nickerson	Shackelford	Wagner	
Crockett	Hyer	Norton	Shanklin	Wallace	
Dryden	Johnston	Pipkin	Switzler	Watkins	30
Eitzen	of Nodaway	Priest			

NOES

Allen	Davis	Hardin	McKillop	Rucker	
Black	Dysart	Johnson	Mortell	Shields	
Boone	Edwards	of Cole	Mudd	Spaunhorst	
Bradfield	of Iron	Lackland	Pulitzer	Taylor	
Carleton	Edwards	Lay	Roberts	of St. Louis	
Conway	of St. Louis	Mabrey	Ross	Mr. President	
Cottey	Fyan	Maxey	of Polk		32
Crews	Gottschalk	McAfee			

ABSENT

Farris	Letcher	2

ABSENT WITH LEAVE

Brockmeyer	Hammond	Ray	Rider	4

Mr. Gottschalk gave notice that he would offer an amendment to Rule 48 on tomorrow.

Section six was read and adopted.

Section seven was read and adopted.

Section eight was read.

Mr. Maxey offered the following amendment to Section eight:

Amend Section eight by striking out of the first and second lines thereof the words, "by and with the advice and consent of any two of the officers of the Executive Department."

which was read and agreed to.

Section eight as amended was adopted.

Section nine was read and adopted.

Section ten was read and laid over informally.

Section eleven was read and rejected.

Section twelve was read.

Mr. Shields offered the following amendment to Section twelve:

Insert the words, "State or county," before the word "office" in the first line.

which was read and rejected.

The question recurring on the adoption of Section twelve, it was adopted.

Section thirteen was read.

209] Mr. Norton offered the following amendment to Section thirteen:

Amend by adding to the section the following: "*Provided*, the Governor shall have no power to remove any officer appointed by him to fill a vacancy to any elective office."

which was read.

Mr. Gantt offered the following substitute for Section thirteen as amended:

The Governor shall have power to suspend any officer originally appointed by him, except judicial officers, in case of incompetency, neglect of duty or malfeasance in office, to fill the vacancy by a temporary appointment, and to prefer charges on which the officer removed may be tried in such manner as may be provided by law.

which was read.

The question recurring upon the adoption of the amendment offered by Mr. Norton, it was rejected.

Mr. Hale offered the following amendment to Section thirteen:

Amend Section thirteen by adding to the Section the following: "in such manner as may be provided by law, but this section shall not apply to officers made elected by law."

which was read and rejected.

Mr. Conway offered the following amendment to Section thirteen:

Amend by adding, "*Provided*, that the question of incompetency, neglect of duty, or malfeasance in office may be determined in such manner as may be provided for by law, and until such question of incoms petency, neglect of duty or malfeasance in office are determined, the Governor may appoint officers to act temporarily until such questionare determined."

which was read and rejected.

Mr. Lay offered the following amendment to the substitute:

Amend the substitute by adding the following: "*Provided*, that no such power of suspension shall be exercised until provision shall be made by law for preferring such charges and the trial of the same."

which was read and rejected.

The question recurring on the adoption of the substitute, Messrs. Dryden, Halliburton, McCabe, Priest and Wagner demanded the ayes and noes.

The substitute was rejected by the following vote:

AYES

210] Adams	Edwards	Lackland	Ross	Taylor
Alexander	of St. Louis	Maxey	of Polk	of St. Louis
Broadhead	Gantt	McCabe	Rucker	Todd
Dryden	Gottschalk	Mortell	Shackelford	Wallace
Dysart	Hale	Norton	Shanklin	Watkins
Edwards	Johnston	Pipkin	Spaunhorst	Mr. President
of Iron	of Nodaway	Priest		28

NOES

Allen	Crockett	Holliday	McAfee	Ross
Black	Davis	Hyer	McKillop	of Morgan
Bradfield	Eitzen	Johnson	Mudd	Shields
Carleton	Fyan	of Cole	Pulitzer	Switzler
Chrisman	Halliburton	Lay	Rippey	Taylor
Conway	Hardin	Mabrey	Roberts	of Jasper
Cottey				Wagner 29

ABSENT

Boone	Farris	Maxey	McKee	Nickerson 7
Crews	Letcher			

ABSENT WITH LEAVE

Brockmeyer	Hammond	Ray	Rider	4

Mr. Shanklin offered the following amendment to Section thirteen:

Amend by striking out after the word "officer" in the first line to and including the word "appoint" in the same line and insert in lieu thereof the following: "originally appointed by him."

which was read and rejected.

On motion of Mr. Carleton the Convention adjourned until 2 o'clock p. m.

AFTERNOON SESSION

The Convention met pursuant to adjournment, the President in the chair.

The Convention resumed the consideration of Section thirteen of the report of the Committee on Executive and Ministerial Departments pending at adjournment.

Mr. Lackland offered the following amendment to Section thirteen:

Amend by inserting the following words after the word "appoint" in the first line "except judicial officers."

which was read and rejected.

Mr. Spaunhorst offered the following amendment to Section thirteen:

Amend Section thirteen by striking out all of the section after the word "to" in the first line and insert the following: "suspend any officer for incompetency, neglect of duty, malfeasance in office, and other grievious cause, and appoint some other person to his place *ad interim*. Such appointee shall perform in all respects the duties of the office and possess the official power of said office. The suspended party shall only be reinstated for the balance of the unexpired term if the charges against him are not sustained upon investigation conducted as directed by law."

which was read and rejected.

211] The question recurring on the adoption of Section thirteen as reported by the Committee, Messrs. Alexander, Pulitzer, Lay, Conway and Hale demanded the ayes and noes.

Section thirteen was rejected by the following vote:

AYES

Alexander	Dysart	Johnson	Mudd	Spaunhorst
Broadhead	Edwards	of Cole	Pipkin	Taylor
Carleton	of St. Lonis	Johnston	Priest	of Jasper
Conway	Farris	of Nodaway	Rippey	Todd
Cottey	Gantt	Lackland	Roberts	Wagner
Davis	Halliburton	McCabe	Shanklin	Mr. President
Dryden		McKee	Shields	29

NOES

Adams	Edwards	Holliday	McKillop	Ross	
Allen	of Iron	Hyer	Mortell	of Polk	
Black	Eitzen	Lay	Nickerson	Shackelford	
Boone	Fyan	Letcher	Norton	Taylor	
Bradfield	Gottschalk	Mabrey	Pulitzer	of St. Louis	
Chrisman	Hale	Massey	Ross	Wallace	
Crews	Hardin	McAfee	of Morgan	Watkins	32
Crockett					

ABSENT

Maxey	Ray	Rucker	Switzler	4

ABSENT WITH LEAVE

Brockmeyer	Hammond	Rider	3

Section fourteen was read.

Mr. Spaunhorst offered the following amendment:

Amend Section fourteen by inserting in line fifteen in the place of the word "ten" the word "twenty."

which was read.

On motion of Mr. Shanklin Section fourteen and pending amendment was referred to the Committee on Legislative Department and the Committee on Executive and Ministerial Departments of the State Government, with instructions that said committees give the subject therein embraced their joint action with the view of separating the section for distribution under appropriate heads.

On motion of Mr. Mudd, Section fifteen was referred to the Committee on Legislative Department and Committee on Executive and Ministerial Departments for their joint action with the view of separating the section under appropriate heads.

Section sixteen was read and adopted.

Section seventeen was read and adopted.

Section eighteen was read and adopted.

Section nineteen was read and adopted.

Section twenty was read.

Mr. Cottey offered the following amendment to Section twenty:

Amend by adding the following: "neither the Governor, Lieutenant-
212] Governor, State Auditor, State Treasurer, Secretary of State, Superintendent of Public Schools nor Attorney-General shall be eligible to any other office during the period for which he shall have been elected."

which was read and rejected.

The question recurring upon the adoption of Section twenty, it was adopted.

Section twenty-one was read and adopted.

Section twenty-two was read and adopted.

Section twenty-three was read.

Mr. Gottschalk offered the following amendment to Section twenty-three:

Amend Section twenty-three by inserting after the word "moneys" in line two the words, "interest on public moneys."

which was read and agreed to.

Mr. Massey offered the following amendment to Section twenty-three:

Amend by striking out all of Section twenty-three which begins with the word "and" in the first line and ends with the word "oath" where it first occurs in the fifth line and also strike out the words, "under oath," in the sixth line.

which was read and rejected.

Mr. Holliday offered the following amendment to Section twenty-three:

Amend by adding to the end of the section the following words: "*Provided*, any State officer who shall directly or indirectly lend out on interest any public money in his charge shall be guilty of embezzlement."

which was read.

The question being on agreeing to the amendment, Messrs. Holliday, Lackland, Lay, Halliburton and Crews demanded the ayes and noes.

The amendment was rejected by the following vote:

AYES

Crews	Hale	Lay	Mudd	Switzler	
Eitzen	Halliburton	Maxey	Roberts	Wagner	13
Gantt	Holliday	McAfee			

NOES

Adams	Crockett	Hyer	Nickerson	Shackelford
Allen	Davis	Johnson	Norton	Shanklin
Alexander	Dryden	of Cole	Pipkin	Shields
Black	Dysart	Johnston	Priest	Taylor
Boone	Edwards	of Nodaway	Pulitzer	of Jasper
Bradfield	of Iron	Lackland	Rider	Taylor
Broadhead	Edwards	Mabrey	Rippey	of St. Louis
Brockmeyer	of St. Louis	Massey	Ross	Todd
Carleton	Farris	McCabe	of Morgan	Wallace
Chrisman	Fyan	McKee	Ross	Watkins
Conway	Gottschalk	McKillip	of Polk	Mr. President
Cottey	Hardin	Mortell	Rucker	51

ABSENT

213] Lay	Letcher	Spaunhorst	3

ABSENT WITH LEAVE

Hammond 1

Mr. Todd offered the following amendment to Section twenty-three:

Amend by inserting between the word "institutions" and the word "and" in line eight these words: "which information when so required shall be furnished by such officers and managers," and add the words, "or manager," after the word "officer" in line nine.

which was read and adopted.

The question recurring on the adoption of Section twenty-three as amended, it was adopted.

Mr. Crews moved to reconsider the vote by which Section twenty-two was adopted and to have his motion to reconsider entered on the journal, which was agreed to.

Section twenty-four was read and adopted.

Section twenty-five was read and adopted.

Section twenty-six was read.

Mr. Adams offered the following amendment to Section twenty-six:

Amend by striking out in lines two and three the following words: "with a successor elected or appointed."

which was read and agreed to.

The question recurring on the adoption of Section twenty-six as amended, it was rejected.

Section ten, passed over informally at the morning session, was taken up.

Mr. Crews offered the following amendment to Section ten:

Amend by inserting after the words "General Assembly" in line four the following words: "in such manner as may be prescribed by law."

which was read and adopted.

Mr. Hardin offered the following amendment to Section ten:

Amend by striking out all after the word "expedient" in the third line.

which was read and adopted.

Mr. Shanklin offered the following amendment to Section ten:

Amend by striking out the words, "and accompany his message 214] with a statement of," in the fourth and fifth lines and insert in lieu thereof the word "for."

which was read and adopted.

Section ten as amended was then adopted.

On motion of Mr. McCabe, the further consideration of the report of the Committee on Executive and Ministerial Departments was postponed until Thursday morning, June 10, 1875.

On motion of Mr. Pulitzer the Convention adjourned until tomorrow, 9 o'clock a. m.

WEDNESDAY, JUNE 9, 1875

The Convention met pursuant to adjournment, the President in the chair.

Prayer by the Rev. Mr. Welch.

The journal of yesterday was read and approved.

On motion of Mr. Rucker leave of absence was granted Mr. Taylor of Jasper until tomorrow.

On motion of Mr. Norton the report of the Committee on Elections and Electors was taken up.

Mr. Spaunhorst moved that the report of the Committee be first read and then taken up section by section and considered, which was adopted and the report read.

Section one was then taken up.

Mr. Shanklin offered the following amendment to Section one:

Amend Section one by striking out all after the word "day" in the fourth line.

which was read and rejected.

The question recurring upon the adoption of Section one, it was adopted.

Section two was then taken up.

Mr. Hardin offered the following amendment to Section two:

Amend Section two by adding to line seven the following: "And shall have paid a poll tax of not less than one nor more than three dollars, within the year next preceding the election at which he offers to vote."

which was read.

Mr. Ross of Polk offered the following amendment to the amendment:

215] Amend the amendment by striking out all after the word "tax."

which was read.

Mr. McAfee moved the previous question. The question being, Shall the main question be now put, Messrs. Ray, Hardin, Conway, Lackland and Holliday demanded the ayes and noes.

The roll being called, the previous question was ordered by the following vote:

AYES

Adams	Cottey	Eitzen	Johnston	Norton
Alexander	Crockett	Fyan	of Nodaway	Priest
Black	Davis	Gottschalk	Lay	Pulitzer
Boone	Dysart	Halliburton	Mabrey	Ray
Broadhead	Edwards	Hammond	Massey	Rider
Brockmeyer	of Iron	Hyer	McAfee	Rippey
Carleton	Edwards	Johnson	McKee	Roberts
Chrisman	of St. Louis	of Cole	McKillop	

Ross of Morgan	Shackelford	Shanklin	Taylor of St. Louis	Wagner	Wallace
Watkins	Mr. President				44

NOES

Bradfield	Hardin	Mudd	Rucker	Switzler	
Conway	Holliday	Pipkin	Shields	Todd	16
Crews	Lackland	Ross of Polk	Spaunhorst		
Gantt	Letcher				

ABSENT

Dryden	Hale	McCabe	Mortell	Nickerson	7
Farris	Maxey				

ABSENT WITH LEAVE

Taylor of Jasper	1

The question being upon the adoption of the amendment to the amendment, it was rejected.

The question recurring upon the adoption of the amendment to Section two, Messrs. McAfee, Ray, Hardin, Cottey, and Switzler demanded the ayes and noes.

The roll being called, the amendment was rejected by the following vote:

AYES

Conway	Hardin	Pipkin	Ross of Polk	Switzler	
Gantt	Hyer	Pulitzer		Todd	9

NOES

Adams	Crockett	Hammond	Mortell	Shackelford	
Allen	Davis	Johnson of Cole	Mudd	Shanklin	
Alexander	Dysart	Johnston of Nodaway	Nickerson	Shields	
Black	Edwards of Iron	Lackland	Norton	Spaunhorst	
Boone	Edwards of St. Louis	Lay	Priest	Taylor of St. Louis	
Bradfield	Eitzen	Mabrey	Ray	Wagner	
Broadhead	Fyan	Massey	Rider	Wallace	
Brockmeyer	Gottschalk	McAfee	Rippey	Watkins	
Carleton	Hale	McKee	Roberts	Mr. President	
Chrisman	Halliburton	McKillop	Ross of Morgan		52
Cottey			Rucker		
Crews					

ABSENT

216] Dryden	Holliday	Letcher	Maxey	McCabe	6
Farris					

ABSENT WITH LEAVE

Taylor of Jasper	1

The question recurring upon the adoption of Section two as reported by the Committee, it was adopted.

Mr. Switzler offered the following resolution:

Resolved, That the question of a poll tax on voters be referred to the Committee on Separate Articles with instructions to report to the Convention a section for independent submission whereby a capitation tax of one dollar per annum shall be paid by each voter, before voting.

which was read.

AFTERNOON SESSION

The Convention met pursuant to adjournment, the President in the chair.

By the unanimous consent of the Convention, Mr. Switzler withdrew his resolution pending at adjournment.

Mr. Conway presented a communication from one Wm. Goodwin, directed to the President of the Convention, suggesting that a clause be put in the Constitution repealing all existing lottery charters, prohibiting the granting of any more, and prohibiting all gift concerns, which was read and on motion of Mr. Conway referred to the Committee on Legislative Department.

Section three was taken up.

Mr. Gottschalk offered the following amendment to Section three:

Amend Section three by adding the following: "*Provided*, that in all cases of contested elections, the ballots cast may be counted, compared with the list of voters and received and such safeguards and regulations as may be provided by law."

which was read and agreed to.

Mr. Crockett offered the following amendment to Section three as amended:

Amend Section three as amended by striking out all after the word "be" in the first line and insert in lieu thereof the words "*vive voce.*"

which was read.

Mr. Shanklin offered the following substitute for Section three as amended:

Strike out Section three as amended and insert in lieu thereof the
217] following: "All elections by the people shall be by ballot, but all

ballots shall be subject to inspection and examination, in all cases of contested elections and judicial proceedings, under such proceedings, regulations, and safeguards as may be provided by law."

which was read.

The question being upon the adoption of the amendment to Section three, offered by Mr. Crockett, Messrs. Eitzen, Fyan, Hale, Mortell, and Lackland demanded the ayes and noes.

The roll being called, the amendment was rejected by the following vote:

AYES

Adams	Halliburton	Maxey	Priest	Wagner
Bradfield	Hyer	McAfee	Ray	Watkins
Broadhead	Letcher	McCabe	Roberts	Mr. President
Crockett	Mabrey	McKee	Spaunhorst	23
Gantt	Massey	Pipkin	Todd	

NOES

Allen	Davis	Hale	McKillop	Ross
Alexander	Dryden	Hammond	Mortell	of Polk
Black	Dysart	Hardin	Nickerson	Rucker
Boone	Edwards	Holliday	Norton	Shackelford
Brockmeyer	of Iron	Johnson	Pulitzer	Shanklin
Carleton	Edwards	of Cole	Rider	Shields
Chrisman	of St. Louis	Johnston	Rippey	Switzler
Conway	Eitzen	of Nodaway	Ross	Taylor
Cottey	Fyan	Lackland	of Morgan	of St. Louis
Crews	Gottschalk	Lay		Wallace 42

ABSENT

Farris	Mudd	2

ABSENT WITH LEAVE

Taylor of Jasper	1

Mr. McAfee offered the following amendment to the substitute offered by Mr. Shanklin:

Amend the substitute by adding: "*Provided*, that the General Assembly may provide by law that elections in any one or all of the counties of the State may be *vive voce*."

which was read and rejected.

The question recurring upon the adoption of the substitute offered by Mr. Shanklin, it was rejected.

Mr. Gottschalk offered the following substitute for Rule 48 to wit:

Rule 48. No member or other person shall be permitted to smoke within the hall while the Convention is in session.

which was read.

On motion of Mr. Watkins the Convention adjourned until tomorrow morning at 9 o'clock.

218] **THURSDAY, JUNE 10, 1875**

MORNING SESSION

The Convention met pursuant to adjournment, the President in the chair.

Prayer by the Rev. C. C. Woods.

The journal of yesterday was read and approved.

Mr. Gottschalk offered the following substitute for Rule 48:

Strike out Rule 48 and substitute in lieu thereof the following:
"Rule 48. No member or other person shall be permitted to smoke while the Convention is in session in any part of the hall, excepting therefrom the lobby."

which was read.

Mr. Alexander moved the previous question, which was ordered.

The substitute was rejected.

Mr. Adams, chairman of the Committee on Judicial Department, submitted the following report:

REPORT OF THE COMMITTEE ON JUDICIAL DEPARTMENT

Mr. President:

The Committee on the Judicial Department have carefully considered all matters referred to them touching that department and instruct me to report as the result of their labors, the two articles hereto annexed, and recommend their adoption as part of the Constitution of this State.

Respectfully,

June 10, 1875. Wash. Adams, *Chairman.*

ARTICLE—JUDICIAL DEPARTMENT

Section 1. The judicial power of the State, as to matters of law and equity, except as in this Constitution otherwise provided, shall be vested in a Supreme Court, in circuit courts, in criminal courts, probate courts, and county courts, in municipal corporation courts and in such appellate courts inferior to the Supreme Court as are hereinafter provided for.

Section 2. The Supreme Court, except in cases otherwise directed by this Constitution, shall have appellate jurisdiction only, which shall be co-extensive with the State, under the restrictions and limitations in this Constitution provided.

Section 3. The Supreme Court shall have a general superintending control over all inferior tribunals. It shall have power to issue writs
219] of *habeas corpus*, *mandamus*, *quo warranto*, *certiorari* and other original remedial writs, and to hear and determine the same without a jury.

Section 4. The judges of the Supreme Court shall hold office for the term of ten years. The judge having at any time the shortest time to serve, shall be the presiding judge of the court.

Section 5. The Supreme Court shall consist of five judges, any three of whom shall constitute a quorum, and said judges shall be conservators of the peace throughout the State, and shall be elected from separate districts.

Section 6. For the purpose of electing Supreme Judges the State shall be divided into five districts, consisting of contiguous territory formed by county lines, and until otherwise provided by law, said districts shall be as follows:

The first district shall consist of the counties of Howard, Randolph, Macon, Adair, Schuyler, and all other counties lying east of the aforesaid counties, and north of the Missouri river.

The second district shall consist of all counties lying west of said first district and north of the Missouri river.

The third district shall consist of St. Louis county.

The fourth district shall consist of the counties of Vernon, St. Clair, Hickory, Camden, Pulaski, Phelps, Dent, Iron, Madison, Bollinger, Cape Girardeau and all other counties lying south thereof.

The fifth district shall consist of all other counties south of the Missouri river not embraced in the third and fourth districts.

Section 7. The judges of the Supreme Court hereafter elected or appointed shall, at the time of their election or appointment be residents of the district in which the election is had or for which the appointment is made. They shall also be citizens of the United States of not less than thirty-five years old, and shall have been citizens of the State for five years next preceding such election or appointment, and shall be learned in the law.

Section 8. The full term of the judges of the Supreme Court shall commence on the first day of January next ensuing their election and those elected to fill any vacancy shall also enter upon the discharge of

their duties on the first day of January next ensuing such election. Those appointed shall enter upon the discharge of their duties as soon as qualified.

Section 9. The present judges of the Supreme Court shall remain in office until the expiration of their respective terms of office. To fill their places as their terms expire one judge shall be elected in the first district at the general election in eighteen hundred and seventy-six, 220] and every two years thereafter one judge shall be elected in the district next in numerical order until the five districts shall have elected, when the first shall again elect and go on in rotation.

Section 10. The General Assembly may provide that no writ of error or appeal shall lie to the Supreme Court in any civil case for the recovery of money only, or personal property, or damages for injury thereto unless the money or damages or value of the property claimed, exclusive of costs, shall exceed one hundred dollars.

Section 11. The Supreme Court shall be held at the seat of government at such times as may be prescribed by law, and until otherwise directed by law the terms of said court shall commence the third Tuesdays in October and April of each year.

Section 12. The State shall furnish a suitable court room at the seat of government in which the Supreme Court shall hold its session, also a clerk's office, and furnished offices for the use of the judges, and also the use of the State law library.

Section 13. If in any cause pending in the Supreme Court or the St. Louis Court of Appeals the judges sitting shall be equally divided in opinion, no judgment shall be entered therein, based on such division; but the parties to the cause may agree upon some person learned in the law, who shall act as special judge in the cause, who shall therein sit with the court, and give decisions in the same manner and with the same effect as one of the judges. If the parties cannot agree upon a special judge, the court shall appoint one.

Section 14. There is hereby established in the county of St. Louis an appellate court to be known as the "St. Louis Court of Appeals," the jurisdiction of which shall be co-extensive with the county of St. Louis. Said court shall have power to issue writs of *habeas corpus*, *quo warranto*, *mandamus*, *certiorari*, and other original remedial writs, to hear and determine same, and shall have a superintending control over all inferior courts of record in St. Louis county. Appeals shall lie from the decisions of said St. Louis Court of Appeals to the Supreme Court, and writs of 221] error may issue from the Supreme Court to said court in the following cases only: In all cases where the amount claimed, exclusive of costs, exceeds the sum of two thousand five hundred dollars; in cases involving the construction of the Constitution of the United States or of this State; in cases where is drawn in question the validity of a treaty or statute of, or authority exercised under the United States; in cases involving the construction of the revenue laws of this State, or the title to any office under this State; in cases involving title to real estate; in cases where a county or other political subdivision of the State or any State officer is a party, and in all cases of felony.

Section 15. The St. Louis Court of Appeals shall consist of three judges to be elected by the qualified voters of St. Louis county who shall hold their offices for the period of twelve years and until their successors shall be duly qualified. They shall be residents of St. Louis county, shall possess the same qualifications as judges of the Supreme Court, and shall each receive the same compensation as is now or may be provided by law for the judges of the circuit court of St. Louis county, and be paid from the same sources.

Section 16. The judges of said court shall be conservators of the peace throughout the county of St. Louis. Any two of said judges shall constitute a quorum, and the oldest judge in commission shall be the presiding judge of said court.

Section 17. The opinions of said court shall be in writing and shall be published in the same manner as the opinions of the Supreme Court may be by law required to be published; and all laws relating to the Supreme Court and the practice therein now in force shall apply to this court so far as the same may be applicable.

Section 18. At the first general election held in St. Louis county after the adoption of this Constitution, three judges of said court shall be elected who shall determine by lot the duration of their several terms of office, which shall be respectively for eight and twelve years, and certify the result to the Secretary of State, and every four years thereafter one judge of said court shall be elected to hold office for the term of twelve years and the term of office of said judge shall begin on the first Monday in January next ensuing their election.

Section 19. Upon the adoption of this Constitution the Governor shall appoint three judges for said court who shall hold their offices 222] until the first Monday of January eighteen hundred and seventy-seven, until their successors shall be duly qualified.

Section 20. The clerk of the Supreme Court at St. Louis shall be the clerk of the St. Louis Court of Appeals until the expiration of the term for which he was appointed clerk of the Supreme Court and until his successor shall be duly qualified.

Section 21. All cases which may be pending in the Supreme Court at St. Louis at the time of the adoption of this Constitution which by the terms of this Constitution would come within the final appellate jurisdiction of the St. Louis Court of Appeals, shall by the Supreme Court be certified and transferred to the St. Louis Court of Appeals to be heard and determined by said court.

Section 22. All cases coming to said court by appeal or writ of error shall be triable at the expiration of fifteen days from the filing of the transcript in the office of the clerk of said court.

Section 23. Upon the adoption of this Constitution, the office of clerk of the Supreme Court at St. Louis and St. Joseph shall be vacated, and said clerks shall transmit to the clerk of the Supreme Court at Jefferson City all books, records documents, transcripts and papers belonging to their respective offices except those required by Section two of this article, to be turned over to the St. Louis Appellate Court, and said records, documents, transcripts, and papers shall become part of the

records, documents, transcripts, and papers of said Supreme Court at Jefferson City, and said court shall hear and determine all the cases thus transferred as other cases.

Section 24. Appellate courts of uniform organization and jurisdiction may be created by the General Assembly in districts to be formed for that purpose of the several counties of the State, except the county of St. Louis, to which appeals and writs of error shall lie from circuit and other inferior courts; and from which appeals and writs of error shall lie to the Supreme Court in criminal cases, and cases in which a franchise or a freeholder or the validity of a statute is involved, and in such other cases as may be provided by law. The same 223] judges shall hold all of said courts which shall be held at such times and places in each district as may be directed by law. The judges shall be not less than three nor more than five who shall have the qualifications of judges of the Supreme Court, and be elected in such manner as may be prescribed by law. Their terms of offices shall be the same and the compensation of each judge the same after the establishment of such appellate courts, and during their continuance no appeals or writs of error to the Supreme Court shall be presented directly from any other court or courts outside of St. Louis county in this State. Any law establishing each appellate court shall be subject to repeal in the discretion of the General Assembly.

Section 25. The circuit court shall have jurisdiction over all criminal cases not otherwise provided for by law; exclusive original jurisdiction in all civil cases not otherwise provided for; such concurrent jurisdiction with and appellate jurisdiction from inferior tribunals and justices of the peace as is or may be provided for by law. It shall hold its terms at such times and places in each county as may be by law directed, but at least two terms shall be held each year in each county.

Section 26. The circuit court shall exercise a superintending control over criminal writs, probate courts, county courts, municipal corporation courts, and justices of the peace in each county in their respective circuits.

Section 27. The State, except as otherwise provided in this Constitution, shall be divided into convenient circuits of contiguous counties in each of which circuits one circuit judge shall be elected and such circuits may be changed, enlarged, diminished or abolished, from time to time as public convenience may require, and whenever a circuit shall be abolished the office of judge of such circuit shall cease.

Section 28. The judges of the circuit courts shall be elected by the qualified voters of each circuit, shall hold their office for the term of six years and shall reside in and be conservators of the peace within their respective circuits.

Section 29. No person shall be eligible to the office of judge of the circuit court who shall not have attained the age of thirty-five years, and who shall not have been a citizen of the United States five years, and a qualified voter of this State for three years, and who shall not be a resident of the circuit in which he may be elected or appointed judge.

224] Section 30. The circuit court of St. Louis county shall be composed of five judges and such additional members as the General Assembly may provide and each of said judges shall sit separately for the trial of causes and transaction of business at special times. Appeals shall be directly from any final decision or order made be said court at special terms to the St. Louis Court of Appeals. And writs of error shall issue from said court of Appeals to said circuit court in special term. The judge of said circuit court may sit in general term at such times and for such purposes as may be provided by them but when sitting in general term shall have no power to review any decision, order or proceeding of the court in special term.

Section 31. In any circuit composed of a single county the General Assembly may from time to time provide for one or more additional judges as the business shall require, each of whom shall separately try cases and perform all other duties imposed upon circuit judges.

Section 32. If there be a vacancy in the office of judge of any circuit, or if he be sick, absent or from any cause unable to hold any term or part of term of court of any county in his circuit, such term or part of term of court may be held by a judge of any other circuit, and at the request of the judge of any circuit, any term of court in his circuit may be held by the judge of any other circuit, and in all such cases or in any case where the judge cannot provide, the General Assembly shall make such additional provision for holding court as may be found necessary.

Section 33. The election of all judges of courts of record shall be held as provided for by law and in cases of a tie or contested election between the candidates the same shall be determined in the manner provided by law.

Section 34. In counties having a population exceeding forty thousand, the General Assembly may establish separate writs for the trial of criminal cases only, and in all counties having a population exceeding fifteen thousand in which separate criminal courts shall not be established the circuit courts shall be required to hold separate terms for criminal business.

Section 35. In case the office of judge of any court of record shall become vacant by death, resignation, removal, failure to qualify or other-
225] wise such vacancy shall be filled in the manner prescribed by law.

Section 36. The judges of the Supreme, appellate and circuit courts shall at stated times receive such compensation for their services as is or may be prescribed by law, but it shall not be diminished during the period for which they have been elected.

Section 37. The General Assembly may establish in any county a probate court which shall be a court of record, and consist of one judge, who shall be elected. Said courts shall have jurisdiction over all matters appertaining to probate business, to granting letters testamentary and of administration, the appointment of guardians and curators of minors and persons of unsound mind, settling the accounts of executors, administrators, curators and guardians, and the sale or leasing of lands, by administrators, curators and guardians.

Section 38. Probate courts shall be uniform in their organization, jurisdiction, duties and practice, except that a separate clerk may be provided for or the judge may be required to act, *ex officio*, as his own clerk.

Section 39. In each county there shall be a county court consisting of one or more judges, not exceeding three as may be provided by law. County courts shall be courts of record and shall have jurisdiction to transact all county business. In all counties where separate probate courts shall not be established, county courts shall also exercise the same jurisdiction as is by the Constitution conferred upon probate courts.

Section 40. In each county there shall be appointed or elected as many justices of the peace as the public good may require. Their powers and duties and their duration in office shall be regulated by law.

Section 41. All writs and process shall run and all prosecutions shall be conducted in the name of the "State of Missouri;" all writs shall be attested by the clerk of the court from which they shall have been issued; and all indictments shall conclude "against the peace and dignity of the State."

Section 42. The clerks of all courts of record shall be elective for such terms and in such manner as may be directed by law, provided that the term of office of no existing clerk of any court of record not abolished **226**] by this Constitution shall be affected by such law.

Section 43. In case there be a tie or contested election between candidates for clerk of any court of record, the same shall be determined in such manner as may be directed by law.

Section 44. In case of the inability of any judge of a court of record to discharge the duties of his office with efficiency by reason of continued sickness or of physical or mental infirmity, it shall be in the power of the General Assembly, two-thirds of the members of each house concurring with the approval of the Governor, to remove said judge from office, but each house shall state on its respective journal the cause for which it shall wish his removal and give him notice thereof and he shall have the right to be heard in his defense in such manner as the General Assembly shall by law direct.

Section 45. All courts now existing in this State not named or provided for in this Constitution shall continue until the expiration of the terms of office of the several judges; and as such terms expire the business of said courts shall vest in the proper court having jurisdiction thereof in the counties where said courts now exist and all the records and papers shall be transferred to the proper courts: *Provided, however*, that the General Assembly may abolish any of said courts before the time to which they are continued by this section.

ARTICLE ON IMPEACHMENTS

Section 1. The Governor, Lieutenant-Governor, Secretary of State, State Auditor, State Treasurer, Attorney-General, and all judges of courts of record, shall be liable to impeachment for high crimes or misdemeanors and for misconduct or oppression in office.

Section 2. The House of Representatives shall have the sole power of impeachment. All impeachments shall be tried by the Senate and when sitting for that purpose the Senate shall be upon oath to do justice according to law and evidence. When the Governor of the State is tried the presiding judge of the Supreme Court shall preside. No person shall be convicted without the concurrence of two-thirds of the Senators present. But judgment in such cases shall not extend any further than removal from office, and disqualification to hold any office of honor, profit or trust under this State. The party, whether convicted or acquitted, shall, nevertheless, be liable to prosecution, trial, judgment and punishment according to law.

227] which was read and on motion laid over informally and one hundred copies ordered printed.

Mr. Dysart from the Committee on Judicial Department submitted the following views of the minority of said Committee and recommended the adoption of the accompanying amendments to the majority report of the Committee:

MINORITY REPORT OF THE COMMITTEE ON JUDICIARY

Mr. President:

One member of the Committee reports that he cannot concur with the majority in reference to the following matters: The number of courts established; the number and constitution of the Supreme Court, the district appellate courts and the county courts. Believing that the article as reported by the majority will fail to relieve the Supreme Court of its burdened docket and will perpetuate the grievious delays of justice therein, and believing that the system established by the report is wanting in uniformity, certainty and simplicity, and will result in conflicting decisions in the higher court, the minority begs leave to submit and recommend the following in lieu of the majority report:

ARTICLE———JUDICIAL DEPARTMENT

Section 1. The judicial power of the State shall be vested in a Supreme Court, appellate courts, circuit courts, county courts, justices of the peace, and such police courts inferior to the circuit courts as may be established by the Legislature for towns and cities.

Section 2. The Supreme Court shall consist of three judges, a majority of whom shall constitute a quorum to transact business. And the said judges shall be conservators of the peace throughout the State.

Section 3. The Supreme Court shall have power to issue writs of *habeas corpus*, *mandamus*, *quo warranto*, *certiorari*, *procedeordo*, and other original remedial writs, and to have and determine the same without a jury. In all other cases the jurisdiction of the Supreme Court shall be appellate only.

Section 4. The Supreme Court shall be held at the seat of government at such times as may be prescribed by law. The judges thereof shall be elected by the qualified electors of the State at large, and their term of office shall be twelve years. It may appoint a clerk and reporter who shall receive such salary or compensation as may be prescribed by law.

228] Section 5. Writs of error may issue from the Supreme Court to the appellate courts, and appeals shall be allowed from the appellate courts to the Supreme Court in all cases of felony, in all cases involving a right of franchise, title to real estate, questions of revenue and taxation, and construction or constitutionality of a statute and in all cases of debt, damages, and possession of personal property, when the amount involved is five hundred dollars and over.

Section 6. Appellate Courts. The State shall be divided into two judicial appellate districts to be known as the "Northern" and "Southern Districts," and in each of which three judges, residents therein, shall be elected by the qualified voters thereof.

Section 7. The three judges so elected shall constitute the appellate court in their respective districts, a majority of whom shall constitute a quorum to transact business. Their term of office shall be six years, and their qualifications and salary the same as that of the judges of the Supreme Court, and they shall be conservators of the peace throughout their respective districts.

Section 8. The appellate court shall have like original jurisdiction with the Supreme Court; in all other cases its jurisdiction shall be appellate only. Writs of error may issue from the appellate courts to any circuit court in its district, and appeals shall be allowed from the circuit court to the appellate court in all cases, except when in cases of debt or damage the amount claimed is less than one hundred dollars.

Section 9. Each appellate court shall hold at least three terms a year in its district at their different places therein as shall be provided by law. There shall be a clerk of each appellate court, who shall be elected or appointed and who shall receive such compensation as may be prescribed by law.

Section 10. Any case decided by the appellate court and not taken to the Supreme Court by appeal or writ of error, may be published in the Missouri Reports as cases decided by the Supreme Court when two of the judges so order, and not otherwise.

COUNTY COURTS

Section—.Inferior tribunals to be known as county courts shall
229] be established in each county. The county court shall be a court of record and shall be composed of one judge, learned in the law, and two commissioners who shall be elected by the qualified voters of the county and whose term of office shall be two years.

Section—.County courts shall have jurisdiction in all matters of probate, settlement of estates of deceased persons, appointment of administrators, guardians and curators and settlement of their accounts,

in all matters relating to apprentices, and in proceedings for the collection of taxes, and assessments, and such other jurisdiction as may be provided for by general law. But in all matters pertaining to probate and administration business, the settlement of estates of deceased persons, the appointment of administrators, guardians, curators and the settlement of their accounts, and the hearing and allowing demands against the estates of deceased persons, minors and persons of unsound mind, the county judge shall sit and act alone.

Section—.The compensation of the county judge and county commissioners shall be a salary, fixed by law. There shall be elected a clerk of the county court whose duties, term of office and compensation shall be prescribed by law.

Section—.Appeals from the county court to the circuit and writs of error from the circuit court to the county court shall be allowed in all cases finally determined in the county court in such manner as may be prescribed by law.

which was read and on motion laid over informally and one hundred copies ordered printed with the majority report of the Committee.

Mr. McCabe, from the Joint Committee on Executive and Ministerial Departments of the State Government and the Legislative Department, submitted the following report for Sections fourteen and fifteen of the report of the Committee on Executive and Ministerial Department of the State Government:

Mr. President:

The joint Committee on Executive and Ministerial Department and the Legislative Department of the State Government to which was referred Sections fourteen and fifteen of the articles reported by the Com-
230]mittee first above named, has had the same under consideration and instructs me to report the following and recommends its adoption as Section fourteen of said articles. It also recommends the adoption of the latter part of Section fourteen as reported, beginning at the word "if" in the eighteenth line of the printed report as a separate section to be numbered fifteen and further recommends the adoption of Section fifteen of the report of the Committee as Section sixteen of said article.

Section 14. The Governor shall consider all bills and joint resolutions,which, having been passed by both houses of the General Assembly, shall be presented to him. He shall within ten days after the same shall have been presented to him, return to the house in which they respectively originated all such bills and joint resolutions, with his approval endorsed thereon, or accompanied with his objections: *Provided*, that if the General Assembly shall finally adjourn within ten days after such presenting, the Governor may within thirty days thereafter return such

bills and resolutions to the office of the Secretary of State with his approval or reasons for disapproving.

which was read.

Mr. Holliday moved to postpone the further consideration of the report of the Joint Committee and that one hundred copies be ordered printed, which was agreed to.

The Convention resumed the consideration of the report of the Committee on Executive and Ministerial Departments of State Government.

Mr. Wallace moved to reconsider the vote by which Section three was adopted on yesterday, which was not agreed to.

Section four was taken up and adopted.

Section five was taken up.

Mr. Gantt offered the following amendment to Section five:

Amend Section five by striking out the word "may" in the first line and inserting "shall" in lieu thereof.

which was read.

Mr. McAfee offered the following substitute for Section five and pending amendment:

Section 5. The General Assembly shall provide by law for the registration of all voters in cities having a population exceeding twenty 231] thousand inhabitants and not exceeding one hundred thousand, but not otherwise.

which was read.

Mr. Gantt, with the unanimous consent of the Convention, withdrew his amendment.

Mr. Conway offered the following amendment to Section five:

Amend Section five by adding the following: "but the General Assembly shall not provide for such registering except in such cities and towns."

which was read and rejected.

Mr. Wallace offered the following amendment to Section five:

Amend by striking out all after the word "voters" in the first line

and add the words, "in any or all of the counties, towns and cities of this State."

which was read and rejected.

Mr. McCabe offered the following amendment to the substitute offered by Mr. McAfee.

Amend the substitute by striking out the word "twenty-five" wherever it occurs and insert "ten" in lieu thereof.

which was read.

Mr. Shields offered the following amendment to Section five:

Amend the section by striking out all after the words, "the General Assembly" and insert, "shall have no power to pass laws for the general registration of voters in this State, but shall provide by law for registering all voters in cities and towns having a population of more than ten thousand inhabitants."

which was read.

On motion of Mr. Johnson of Cole, leave of absence was granted to Mr. Lay.

Mr. Priest moved the previous question. Messrs McCabe, Gottschalk, Pulitzer, Priest and Shields demanded the ayes and noes.

The roll being called the motion of previous question was rejected by the following vote:

AYES

Adams	Hyer	Maxey	Ross	Taylor	
Cottey	Johnston	Norton	of Morgan	of Jasper	
Eitzen	of Nodaway	Priest	Shackelford	Mr. President	
Halliburton	Lackland	Pulitzer	Switzler		17
Hammond					

NOES

232] Allen	Crockett	Gottschalk	McCabe	Rucker	
Alexander	Dryden	Hale	Mudd	Shanklin	
Black	Dysart	Hardin	Nickerson	Shields	
Boone	Edwards	Holliday	Pipkin	Spaunhorst	
Bradfield	of Iron	Johnson	Ray	Taylor	
Broadhead	Edwards	of Cole	Rider	of St. Louis	
Brockmeyer	of St. Louis	Letcher	Rippey	Todd	
Carleton	Farris	Mabrey	Roberts	Wagner	
Chrisman	Fyan	Massey	Ross	Wallace	
Conway	Gantt	McAfee	of Polk	Watkins	46
Crews					

ABSENT

McKee	McKillop	2

ABSENT WITH LEAVE

Davis	Lay	2

The Convention refusing to order the previous question, Section five and pending amendments was laid over under the rules until tomorrow.

Section six was then taken up.

Mr. McAfee offered the following amendment to Section six:

Amend Section six by striking out all after the word "election" when it occurs in the second line and ninth lines.

which was read and agreed to.

Mr. McCabe moved to reconsider the vote by which the amendment offered by Mr. McAfee was adopted. The motion to reconsider was agreed to.

Mr. McAfee, with the unanimous consent of the Convention, withdrew his amendment.

Mr. Hammond offered the following amendment to Section six:

Amend by striking out word "ten" in second line and substitute "one hundred" and add the following words: "*Provided*, the General Assembly shall have no power to provide by law for registering voters in any other portions of the State."

which was read.

On motion of Mr. McAfee the Convention adjourned until 2 o'clock p. m.

AFTERNOON SESSION

The Convention met pursuant to adjournment, the President in the chair.

On motion of Mr. Rippey, leave of absence was granted Mr. Spaunhorst.

On motion of Mr. Pulitzer, leave of absence was granted Messrs. Shields and Gottschalk.

On motion of Mr. Edwards of St. Louis, leave of absence was granted Mr. Broadhead.

The Convention resumed the consideration of the amendment offered by Mr. Hammond to Section six pending at adjournment. The amendment was rejected.

Mr. Shackelford offered the following amendment to Section six:

233] Amend by striking out all after the word "election" in the seventh line and insert the following: "and it shall be a good cause for the rejection of the vote of any person voting at such election who in cases of contested elections shall have been proven to have done any of the acts herein specified."

which was read and rejected.

Mr. Wallace offered the following substitute for Section six:

The judges of election shall administer such oaths to voters touching their qualifications to vote, as may be provided by law, and the General Assembly may provide by law for excluding from the privilege of voting or holding office all persons who may make any bet, or wager on any election or as to the result thereof, or who may give, promise, pay or receive any money, or valuable consideration, for, or to influence, control or prevent the vote of any voters.

which was read.

Mr. Mudd offered the following amendment to Section six:

Amend Section six by striking out all words commencing with the word "and" in the seventh line and ending with the word "election" where it last occurs in ninth line.

which was read and rejected.

The question recurring on the adoption of the substitute offered by Mr. Wallace, it was rejected.

The question being on the adoption of Section six, Messrs. Halliburton, Conway, Lackland, Allen and Wallace demanded the ayes and noes.

The roll being called, Section six was rejected by the following vote:

AYES

Alexander	Edwards	Holliday	McKillop	Rucker	
Chrisman	of Iron	Lackland	Mortell	Switzler	
Conway	Eitzen	Letcher	Mudd	Todd	
Crews	Gantt	Massey	Rider	Watkins	22
Dysart	Hale	McCabe			

NOES

Adams	Dryden	Johnston	Pulitzer	Shackelford	
Allen	Farris	of Nodaway	Ray	Shanklin	
Black	Fyan	Mabrey	Rippey	Taylor	
Boone	Halliburton	McAfee	Roberts	of Jasper	
Bradfield	Hammond	McKee	Ross	Taylor	
Carleton	Hyer	Nickerson	of Morgan	of St. Louis	
Cottey	Johnson	Norton	Ross	Wallace	
Crockett	of Cole	Pipkin	of Polk	Mr. President	34

ABSENT

Edwards of St. Louis	Hardin	Maxey	Wagner	4

ABSENT WITH LEAVE

Broadhead	Davis	Lay	Shields	Spaunhorst	8
Brockmeyer	Gottschalk	Priest			

234] Mr. Adams offered the following additional rule:

No member shall speak more than once on any question or proposition. Nor shall he speak longer than five minutes at any one time.

which was read and laid over under the rules until tomorrow.

Mr. Halliburton offered the following as a new section to the report of the Committee:

Whoever shall be convicted of having directly or indirectly given or offered any bribe to procure his election or appointment to any office shall be disqualified for any office of honor, trust or profit under this State; and whoever shall give or offer any bribe to procure the election or appointment of any other person to any office, shall on conviction thereof be disqualified for a voter or any office of honor, trust or profit under this State for ten years after such conviction.

which was read and rejected.

Mr. Conway offered the following as a new section to the report of the Committee:

No person who shall make or become directly or indirectly interested in any bet or wager depending upon the result of any election shall vote at such election.

which was read and rejected.

Section seven was read and adopted.

Section eight was read and adopted.

Section nine was read and adopted.

Section ten was read.

Mr. Wagner offered the following amendment to Section ten:

Amend Section 10 by inserting after the word "officers" in the second line, "except Governor and Lieutenant-Governor."

which was read and agreed to.

Mr. Shanklin offered the following amendment to Section ten:

Amend Section ten by striking out all after the word "elections" in the first line, down to and including the word "and" in the second line.

which was read.

The question being on agreeing to the amendment, Messrs. McCabe, Wallace, Farris, Shanklin and Hale demanded the ayes and noes.

The roll being called, the amendment was agreed to by the following vote:

AYES

235] Allen	Crockett	Hyer	McKee	Shackelford	
Black	Dryden	Johnson	Nickerson	Shanklin	
Boone	Dysart	of Cole	Pipkin	Taylor	
Bradfield	Edwards	Johnston	Pulitzer	of Jasper	
Brockmeyer	of St. Louis	of Nodaway	Roberts	Taylor	
Carleton	Fyan	Letcher	Ross	of St. Louis	
Conway	Gantt	Massey	of Morgan	Wallace	
Cottey	Hale	McAfee	Ross	Watkins	37
Crews	Holliday	McCabe	of Polk		

NOES

Adams	Eitzen	Mabrey	Norton	Todd	
Alexander	Farris	McKillop	Ray	Wagner	
Chrisman	Halliburton	Mortell	Rider	Mr. President	
Edwards	Lackland	Mudd	Rippey		19
of Iron					

ABSENT

Hammond	Hardin	Maxey	Rucker	Switzler	5

ABSENT WITH LEAVE

Broadhead	Gottschalk	Priest	Shields	Spaunhorst	7
Davis	Lay				

The question recurring on the adoption of Section ten as amended, it was adopted.

Section eleven was read.

Mr. Gantt offered the following substitute for Section eleven:

The General Assembly may enact laws excluding from the right of voting all persons convicted of misdemeanors connected with the exercise of the right of suffrage or of felony, or other infamous crime.

which was read.

The question recurring on the adoption of the substitute offered by Mr. Gantt, it was adopted.

Mr. Todd offered the following amendment to the substitute:

Amend by inserting after the word "voting" in line one these words, "and of holding an office of profit, honor, trust, or emolument."

which was read and rejected.

The question recurring on the adoption of Section eleven as amended by the substitute, it was adopted.

Mr. Pipkin asked for leave of absence for Mr. Conway, which was granted.

Section twelve was read and adopted.

Section thirteen was read and adopted.

Section fourteen was read.

Mr. Todd offered the following amendment to Section fourteen:

Amend by striking out the word "eighty" in line one and inserting in lieu thereof the words, "seventy-six."

which was read.

On motion of Mr. Lackland the Convention adjourned until tomorrow, 9 o'clock a. m.

236] **FRIDAY, JUNE 11, 1875**

MORNING SESSION

The Convention met pursuant to adjournment, the President in the chair.

Prayer by the Rev. C. C. Woods.

The journal of yesterday was read and approved.

Mr. Halliburton presented the following petition from the members of the Putnam county bar:

To the Constitutional Convention of the State of Missouri:

The undersigned members of the bar of Putnam county would most respectfully ask your honorable body to incorporate in the Constitution to be adopted by you and submitted to the people for ratification a provision for a uniform system of courts of common pleas to be possessed of original jurisdiction in all probate matters, and appeals from justices of the peace and such other matters subject to appeal to the circuit as will relieve the circuit court from a large amount of small suits.

which was read and referred to the Committee on Judicial Department.

On motion of Mr. Shackelford, leave of absence was granted Mr. Nickerson.

The President presented the following communication:

Lincoln Institute, June 11, 1875.

President Constitutional Convention:

You will please to read the following to the members of the Convention. Yours truly,

M. Henry Smith.

The commencement exercises of Lincoln Institute will take place today.

Exhibition at 2 p. m.

Exercises of Graduating Class at 8 p. m.

Gov. Hardin will present diplomas.

The members of the Convention are respectfully invited to attend.

M. Henry Smith, *Principal.*

which was read.

237] The consideration of the amendment offered by Mr. Todd to Section fourteen of the report of the Committee on Elections and Electors, pending at adjournment on yesterday, was resumed.

On motion of Mr. Lackland the Convention adjourned until 2 o'clock p. m.

AFTERNOON SESSION

The Convention met pursuant to adjournment, the President in the chair.

Mr. Farris asked for leave of absence for Mr. Wallace, which was granted.

The Convention resumed the consideration of the amendment offered by Mr. Todd to Section fourteen pending at adjournment.

The question being on agreeing to the amendment, Messrs. Taylor of St. Louis, Ross of Polk, Shanklin, Maxey and Watkins demanded the ayes and noes.

The amendment was rejected by the following vote:

AYES

Adams	Dryden	Gantt	Johnston	Pipkin	
Allen	Dysart	Hale	of Nodaway	Rippey	
Black	Edwards	Hardin	Lackland	Shanklin	
Brockmeyer	of St. Louis	Hyer	McKillop	Switzler	
Chrisman	Eitzen		Norton	Todd	22

NOES

Alexander	Edwards	Letcher	Ray	Shackelford	
Boone	of Iron	Mabrey	Rider	Taylor	
Bradfield	Farris	Massey	Roberts	of St. Louis	
Carleton	Fyan	Maxey	Ross	Wagner	
Cottey	Halliburton	McAfee	of Morgan	Wallace	
Crews	Hammond	McCabe	Ross	Watkins	
Crockett	Johnson	McKee	of Polk	Mr. President	
	of Cole	Mortell	Rucker		33

ABSENT

Broadhead	Holliday	Mudd	Pulitzer	4

ABSENT WITH LEAVE

Conway	Gottschalk	Nickerson	Shields	Taylor	
Davis	Lay	Priest	Spaunhorst	of Jasper	9

Mr. Crews offered the following amendment to Section fourteen:

Amend Section fourteen by striking out the word "person" in the second line and insert in lieu thereof the words, "native of Missouri."

which was read and rejected.

The question recurring on the adoption of Section fourteen, Messrs. Hale, Bradfield, Switzler, Eitzen and McKillop demanded the ayes and noes.

Section fourteen was rejected by the following vote:

AYES

Adams	Chrisman	Gantt	Lackland	Shanklin
Allen	Dryden	Hale	McKee	Switzler
Alexander	Dysart	Hardin	McKillop	Taylor
Black	Edwards	Hyer	Norton	of St. Louis
Brockmeyer	of St. Louis	Johnston	Pipkin	Todd 26
Carleton	Eitzen	of Nodaway	Rippey	

NOES

238] Boone	Farris	Mabrey	Rider	Shackelford
Bradfield	Fyan	Massey	Roberts	Wagner
Cottey	Halliburton	Maxey	Ross	Wallace
Crews	Hammond	McAfee	of Morgan	Watkins
Crockett	Johnson	McCabe	Ross	Mr. President
Edwards	of Cole	Mortell	of Polk	28
of Iron	Letcher	Ray		

ABSENT

Holliday	Mudd	Pulitzer	Rucker	4

ABSENT WITH LEAVE

Conway	Gottschalk	Nickerson	Shields	Taylor
Davis	Lay	Priest	Spaunhorst	of Jasper 9

Mr. Crockett gave notice that he would move to reconsider the vote by which Section fourteen was rejected and have such motion entered on the journal, which was agreed to.

Section five, which was laid over on yesterday, was then taken up with pending amendments. The question being on agreeing to the amendment offered by Mr. Shields to Section five, it was rejected.

Mr. Black offered the following amendment to Section five:

Amend Section five by striking out after the word "the" in the first line and insert in lieu thereof the following: "General Assembly shall pass no laws for the registration of voters except in cities with a population of twenty thousand and over, and may limit the operation of such laws to such of the cities of that population or over as shall be deemed best."

which was read and agreed to.

The question then being on agreeing to the amendment offered by Mr. McCabe to the substitute offered by Mr. McAfee, it was rejected.

The question recurring on the adoption of the substitute as amended, it was adopted.

Section five as amended by the substitute was adopted.

On motion of Mr. Halliburton, the report of the Committee on Elections and Electors as amended was referred to the Committee on Revision with instructions to carefully revise and correct the same, and report it back to the Convention at an early day printed and properly engrossed for final adoption.

On motion of Mr. Hardin, the Convention adjourned until tomorrow, 9 o'clock a. m.

239] **SATURDAY, JUNE 12, 1875**

The Convention met pursuant to adjournment, the President in the chair.

Prayer by the Rev. C. C. Woods.

The journal of yesterday was read and approved.

On motion of Mr. Adams, leave of absence was granted Mr. Ross of Morgan.

On motion of Mr. Todd, leave of absence was granted Messrs. Gantt and Pulitzer.

On motion of Mr. Dryden, leave of absence was granted Mr. McCabe.

On motion the report of the Committee on Militia was taken up.

Section one was read.

Mr. Todd offered the following amendment to Section one:

Amend by inserting between the words "arms" and "can" in line four the words: "or is willing to pay a commutation such as shall be provided by law."

which was read and rejected.

Mr. Bradfield offered the following amendment to Section one:

Amend Section one by striking out all after the word "so" in the third line.

which was read and rejected.

The question recurring on the adoption of Section one, it was adopted.

Section two was read and adopted.

Section three was read and adopted.

Section four was read and adopted.

Section five was read and adopted.

Section six was read and adopted.

Section seven was read and adopted.

On motion of Mr. Halliburton the report of the Committee on Militia was referred to the Committee on Revision with instructions to carefully revise and correct the same and report it back to the Convention at an early day, printed and properly engrossed for final adoption.

Mr. Switzler moved that the report of the Committee on Representation, Representative and Senatorial Districts be made the special order for Monday, June 14, 1875, at 9 o'clock a. m., which was agreed to.

The report of the Joint Committee on Executive and Ministerial Departments of State Government and Legislative Department, to which was referred Sections fourteen and fifteen of the report of the Committee on Executive and Ministerial Departments, was taken up.

240] Section fourteen, recommended by the Joint Committee, was as follows:

Section 14. The Governor shall consider all bills and joint resolutions, which, having been passed by both houses of the General Assembly, shall be presented to him. He shall, within ten days after the same has been presented to him, return to the house in which they respectively originated, all such bills and joint resolutions with his approval endorsed thereon or accompanied with his objections: *Provided*, that if the General Assembly shall finally adjourn within ten days after such presenting, the Governor may, within thirty days thereafter, return such bills and resolutions to the office of the Secretary of State with his approval or reasons for disapproval.

which was read.

Mr. McCabe offered the following amendment to Section fourteen:

Amend by striking out the word "with" in the fifth line and insert in lieu thereof the word "by."

which was read and agreed to.

Mr. Wagner offered the following amendment to Section fourteen:

Amend seventh line by striking out the word "thirty" and inserting "twenty" before the word "days."

which was read and rejected.

Mr. Taylor offered the following amendment to Section fourteen:

Amend by striking out the word "thereafter" in the seventh line and insert in lieu thereof the words, "after such adjournment."

which was read and rejected.

Section fourteen as amended was than adopted.

Section fifteen, recommended by the Joint Committee, was as follows:

Section 15. If any bill presented to the Governor contain several items of appropriation of money, he may object to one or more items while approving of the other portions of the bill. In such case he shall append to the bill, at the time of signing it, a statement of the items to which he objects, and the appropriations so objected to shall not take effect. If the Legislature be in session he shall transmit to the house in which the bill originated a copy of such statement; and the items objected to shall be separately reconsidered. If, on reconsideration, one or more of such items be approved by two-thirds of the members elected to each house, the same shall be part of the law, notwithstanding the **241**] objections of the Governor. All the provisions of this section in relation to bills not approved by the Governor, shall apply in cases in which he may withhold his approval from any item or items contained in a bill appropriating money.

which was read.

Mr. McCabe offered the following amendment to Section fifteen:

Amend Section fifteen by adding after the word "considered" in line seven these words: "If it be not in session, then he shall transmit the same within thirty days to the office of the Secretary of State with his approval, or reasons for disapproving," and strike out all the words after the word "considered" in line seven.

which was read and agreed to.

Mr. McCabe offered the following amendment to Section fifteen:

Amend Section fifteen by striking out the word "Legislature" in the fifth line and insert in lieu thereof the words "General Assembly."

which was read and agreed to.

Section fifteen as amended was adopted.

Section sixteen, recommended by the Joint Committee, was as follows:

Section 16. Every resolution to which the concurrence of the Senate and House of Representatives may be necessary, except on questions of adjournment, of going into joint session, and of amending this Constitution, shall be presented to the Governor, and before the same shall take effect, shall be proceeded upon in the same manner as in the case of a bill: *Provided, however*, that no resolution shall have the effect to repeal, extend, alter or amend any law.

which was read and adopted.

On motion of Mr. McCabe the report of the Committee on Executive and Ministerial Departments of the State Government as amended was referred to the Committee on Revision, with instructions to carefully revise and correct the same and report it back to the Convention at an early date printed and properly engrossed for final adoption.

On motion of Mr. Fyan the Convention adjourned until Monday, 9 o'clock a. m.

MONDAY, JUNE 14, 1875

MORNING SESSION

The Convention met pursuant to adjournment, the President in the chair.

Prayer by Rev. C. C. Woods.

242] The journal of Saturday was read and approved.

On motion of Mr. Lackland, leave of absence was granted Mr. Moore, doorkeeper, on account of sickness.

Mr. Brockmeyer offered the following resolution:

Resolved, That the debate upon the pending subject close today at 4 p. m., and the further consideration thereof be postponed until tomorrow morning at ten o'clock a. m. when the Convention will come to a vote without further debate.

which was read.

Mr. Mortell moved to lay the resolution on the table, which was agreed to.

The special order being the consideration of the report of the Committee on Representation, Representative and Senatorial Districts with the amendment recommended by the minority of the Committee, Mr. Broadhead offered the following amendment to Section one of the report of the Committee:

Amend by striking out all of Section one down to the words, "additional ratios" and insert the following: "The House of Representatives shall consist of members to be chosen every second year by the qualified voters of the several counties, and apportioned in the following manner:

"The ratio of representation shall be ascertained at each apportioning session of the General Assembly by dividing the whole number of inhabitants of the State, as ascertained by the last United States census, by the number two hundred. Each county having one ratio or less shall be entitled to one Representative; each county having twice the ratio shall be entitled to two Representatives; each county having three and a half times the ratio shall be entitled to three Representatives; each county having six times the ratio shall be entitled to four Representatives; and so on above that number, giving one additional Representative for each one and a half."

which was read.

Mr. Watkins moved a call of the Convention.

The roll being called the following members answered to their names:

Adams	Dysart	Johnson	McKillop	Rucker
Allen	Edwards	of Cole	Mortell	Shackelford
Alexander	of Iron	Johnston	Mudd	Shanklin
Black	Eitzen	of Nodaway	Norton	Switzler
Boone	Farris	Lackland	Pipkin	Taylor
Bradfield	Fyan	Lay	Ray	of St. Louis
Broadhead	Halliburton	Mabrey	Rider	Todd
Brockmeyer	Hammond	Massey	Rippey	Wagner
Chrisman	Hardin	Maxey	Roberts	Watkins
Cottey	Holliday	McAfee	Ross	Mr. President
Davis	Hyer	McKee	of Polk	50
Dryden				

ABSENT WITH LEAVE

243] Conway	Gottschalk	Nickerson	Ross	Spaunhorst
Edwards	Hale	Priest	of Morgan	Taylor
of St. Louis	McCabe	Pulitzer	Shields	of Jasper
Gantt				Wallace 14

On motion of Mr. Brockmeyer further proceedings under the call of the Convention were dispensed with.

Mr. Broadhead offered the following resolution:

Resolved, That all debate on the pending report be closed at 4 o'clock tomorrow (Tuesday), and that the Convention then proceed to vote on the propositions pending and such amendments as may be offered, without further debate.

which was read.

Mr. Alexander in the chair.

On motion of Mr. McAfee the Convention adjourned until 2 o'clock p. m.

AFTERNOON SESSION

The Convention met pursuant to adjournment, the President in the chair.

The Convention resumed the consideration of the amendment offered by Mr. Broadhead to Section one of the report of the Committee on Representation, Representative and Senatorial Districts, pending at adjournment.

Mr. Broadhead, by unanimous consent of the Convention, withdrew his resolution offered in the morning session.

Mr. Black, by consent of the Convention, offered the following resolution:

Resolved, That the Committee on Representation, Representative and Senatorial Districts be and is requested to district the State for election of State Senators and report their labors in the shape of a provision to be considered in connection with the reports of that Committee now before the Convention; and also to report provisions whereby the future districting of the State shall not depend wholly on the General Assembly.

which was read and adopted.

Vice-President Watkins in the chair.

On motion of Mr. Shanklin, leave of absence was granted Mr. Hale.

Mr. Broadhead moved a call of the Convention.

244] The roll being called the following members answered to their names:

Adams	Crockett	Holliday	McAfee	Shackelford
Allen	Davis	Hyer	McKillop	Shanklin
Alexander	Dryden	Johnson	Mudd	Spaunhorst
Black	Dysart	of Cole	Norton	Switzler
Boone	Edwards	Johnston	Pipkin	Taylor
Bradfield	of Iron	of Nodaway	Rider	of St. Louis
Broadhead	Eitzen	Lackland	Rippey	Todd
Brockmeyer	Farris	Letcher	Roberts	Wagner
Carleton	Fyan	Mabrey	Ross	Watkins
Chrisman	Gottschalk	Massey	of Polk	Mr. President
Cottey	Halliburton	Maxey	Rucker	57
Crews	Hammond			

ABSENT

Hardin	Lay	McKee	Mortell	Ray	5

ABSENT WITH LEAVE

Conway	Gantt	Nickerson	Ross	Taylor	
Edwards	Hale	Priest	of Morgan	of Jasper	
of St. Louis	McCabe	Pulitzer	Shields	Wallace	12

Mr. Norton moved that further proceedings under the call be dispensed with, which was agreed to.

On motion of Mr. Norton the Convention adjourned until tomorrow at 9 o'clock a. m.

TUESDAY, JUNE 15, 1875

MORNING SESSION

The Convention met pursuant to adjournment, the President in the chair.

Prayer by Rev. C. C. Woods.

The journal of yesterday was read and approved.

The Convention resumed the consideration of the amendment offered by Mr. Broadhead to the report of the Committee on Representation, Representative and Senatorial Districts pending at adjournment.

Mr. Pulitzer in the chair.

Mr. Switzler offered the following substitute for Section one of the report of the Committee on Representation, Representative and Senatorial Districts, and pending amend-

ments, and also Section two of the amendments recommended by the minority of the said Committee:

AN ORDINANCE ON THE SUBJECT OF REPRESENTATION

Be it Ordained by the People of the State of Missouri in Convention Assembled, as follows:

Section 1. That at the election to be held for the purpose of as-
245] certaining the sense of the people in regard to the adoption or rejection of the Constitution adopted by this Convention, there shall be submitted to the voters of this State, qualified as such under the present Constitution and laws thereof, the following ordinance on the subject of representation, namely, the first mentioned among other provisions securing to each county at least one Representative, regardless of population, to be known and designated as "The County Plan;" and the second providing for Representative districts, to be known and designated as "The District Plan," as follows:

THE COUNTY PLAN

Section 1. The House of Representatives shall consist of members to be chosen every second year by the qualified voters of the several counties, and apportioned in the following manner: The ration of representation shall be ascertained at each apportioning session of the General Assembly by dividing the whole number of inhabitants of the State, as ascertained by the last decennial census of the United States, by the number two hundred. Each county having one ratio, or less, shall be entitled to one Representative; each county having two and a half times said ratio shall be entitled to two Representatives; each county having four times said ratio shall be entitled to three Representatives; each county having six times said ratio, shall be entitled to four Representatives; and so one above that number, giving one additional member for every two and a half additional ratios.

THE DISTRICT PLAN

Section 1. The State shall be divided into thirty-four legislative districts for the election of Senators and Representatives and each legislative district shall be entitled to one Senator and three Representatives, who shall be chosen by the qualified voters of the several districts for the term of four and two years respectively. The General Assembly shall apportion the State every ten years, beginning with the year 187—by dividing the whole number of inhabitants of the State, as ascertained by the last decennial census of the United States by the number 34; and the quotient shall be the ratio of legislative representation except in counties containing a city or cities of more than one
246] hundred thousand inhabitants, in which the ratio shall be increased by adding one-third thereto. Legislative districts shall be formed of contiguous and compact territory, bounded by county lines, and containing, as nearly as practicable, an equal number of inhabitants, except

as hereinbefore excepted. Counties containing not less than one ratio and four fifths of a ratio, may be divided into separate districts, or as many districts as its population contains the ratio of legislative representation, but no district shall contain less than four-fifths of a ratio. Legislative districts may be altered from time to time, as public convenience may require, and until the General Assembly shall apportion representation under this Constitution, the senatorial districts established by this Convention shall be and remain the legislative districts of the State.

The election hereinbefore provided for shall be by ballot. Those ballots in favor of "The County Plan" shall have written or printed thereon the words "shall the County Plan of Representation be adopted? Yes." Those opposed to it shall have written or printed thereon the words "Shall the County Plan of Representation be adopted? No." Those ballots in favor of "the District Plan" shall have written or printed thereon the words "Shall the District Plan of Representation be adopted? Yes." Those opposed to it shall have written or printed thereon the words "Shall the District Plan of Representation be adopted? No."

And be it further ordained that the plan of the two before mentioned and which are hereby separately submitted, which shall receive at said election a majority of the votes cast, shall be valid and have full force and effect as a part of the Constitution of this State, and the plan which shall receive at said election the smallest number of votes shall have no force or validity whatever. And be it further ordained that in the event that each of the plans before mentioned shall receive at said election the same number of votes, Sections one and two of Article IV of the present Constitution shall remain in free force and effect.

The Governor of this State shall by proclamation make known
247] the result of the election provided for by this ordinance.

which was read.

Mr. Norton rose to a point of order and stated that the proposition offered by Mr. Switzler was an independent proposition in the nature of an ordinance to be separately submitted to the people, and therefore was out of order.

Mr. Switzler stated that the proposition submitted was offered as an amendment to the pending amendment offered by Mr. Broadhead and was in order.

The Chair decided the point of order raised by Mr. Norton was well taken.

Mr. Spaunhorst moved to suspend the rules in order to take up and consider the proposition offered by Mr. Switzler.

The question being on the suspension of the rules, Messrs. Spaunhorst, Norton, Priest, Hardin and Gottschalk demanded the ayes and noes.

The Convention refused to suspend the rules by the following vote:

AYES

Adams	Dysart	Johnson	McCabe	Rucker
Allen	Edwards	of Cole	McKee	Shields
Black	of St. Louis	Johnston	McKillop	Spaunhorst
Broadhead	Gantt	of Nodaway	Mudd	Switzler
Brockmeyer	Gottschalk	Lackland	Pipkin	Taylor
Chrisman	Hale	Letcher	Pulitzer	of St. Louis
Crews	Hammond	Massey	Rider	Todd 33
Davis	Hardin			

NOES

Alexander	Edwards	Lay	Ray	Shanklin
Boone	of Iron	Mabrey	Rippey	Wagner
Bradfield	Eitzen	Maxey	Roberts	Wallace
Carleton	Farris	McAfee	Ross	Watkins
Conway	Fyan	Nickerson	of Polk	Mr. President
Cottey	Holliday	Norton	Shackelford	30
Crockett	Hyer	Priest		

ABSENT

Dryden	Halliburton	Mortell	3

ABSENT WITH LEAVE

Ross	Taylor	
of Morgan	of Jasper	2

Mr. Switzler then asked leave to introduce his proposition as a separate proposition to be submitted to a vote of the people. Leave was granted.

On motion of Mr. Alexander the proposition of Mr. Switzler was referred to the Committee on Separate Propositions to be Submitted to the People.

248] Mr. Hardin moved that one hundred and fifty copies of the proposition be ordered printed, which was agreed to.

On motion of Mr. Farris the Convention adjourned until 2 o'clock p. m.

AFTERNOON SESSION

The Convention met pursuant to adjournment, Mr. Pulitzer in the chair.

The Convention resumed the consideration of the amendment offered by Mr. Broadhead, pending at adjournment.

Mr. Mudd offered the following amendment to the amendment:

Amend the amendment by striking out all after the word "Representatives" in the eighth line and adding in lieu thereof the following: "and one additional Representative for each one and a half ratios above that number."

which was read and rejected.

Mr. Hale offered the following amendment to the amendment:

Amend by striking out all after the word "Representatives" in the ninth line and insert as follows: "and for every two ratios above that one additional Representative."

which was read.

On motion of Mr. Lackland, leave of absence was granted Mr. Dryden.

The question recurring on the adoption of the amendment, Messrs. Hale, Shields, Rucker, Lay and Taylor of St. Louis demanded the ayes and noes.

The amendment was rejected by the following vote:

AYES

Adams	Crews	Hale	Pipkin	Spaunhorst	
Black	Dysart	Hardin	Pulitzer	Switzler	
Broadhead	Edwards	Letcher	Rucker	Taylor	
Brockmeyer	of St. Louis	Massey	Shanklin	of St. Louis	
Carleton	Gantt	Mortell	Shields	Todd	26
Chrisman	Gottschalk	Mudd			

NOES

Allen	Cottey	Eitzen	Holliday	Johnston
Alexander	Crockett	Farris	Hyer	of Nodaway
Boone	Davis	Fyan	Johnson	Lackland
Bradfield	Edwards	Halliburton	of Cole	Lay
Conway	of Iron	Hammond		

Mabrey	McKillop	Rider	Ross	Wallace
Maxey	Nickerson	Rippey	Of Polk	Watkins
McAfee	Norton	Roberts	Shackelford	Mr. President
McCabe	Priest	Ross	Wagner	40
McKee	Ray	of Morgan		

ABSENT WITH LEAVE

249] Dryden	Taylor		
	of Jasper		2

The question recurring on the adoption of the amendment offered by Mr. Broadhead, and the ayes and noes being demanded by five members, the amendment was rejected by the following vote:

AYES

Broadhead	Edwards	Hardin	Pulitzer	Switzler
Brockmeyer	of St. Louis	Lackland	Rucker	Taylor
Carleton	Gantt	Letcher	Shields	of St. Louis
Crews	Gottschalk	Mortell	Spaunhorst	Todd 20
	Hale	Mudd		

NOES

Adams	Dysart	Johnson	McKillop	Ross
Allen	Edwards	of Cole	Nickerson	of Polk
Alexander	of Iron	Johnston	Norton	Shackelford
Black	Eitzen	of Nodaway	Pipkin	Shanklin
Boone	Farris	Lay	Priest	Wagner
Bradfield	Fyan	Mabrey	Ray	Wallace
Chrisman	Halliburton	Massey	Rider	Watkins
Conway	Hammond	Maxey	Rippey	Mr. President
Cottey	Holliday	McAfee	Roberts	46
Crockett	Hyer	McCabe	Ross	
Davis		McKee	of Morgan	

ABSENT WITH LEAVE

Dryden	Taylor	
	of Jasper	2

Mr. Switzler offered the following amendment to Section one of the report of the Committee:

Amend Section one of the majority report by striking out all after the word "The" in the first line and inserting in lieu thereof the following: "State shall be divided into thirty-four legislative districts for the election of Senators and Representatives and each legislative district shall be entitled to one Senator and three Representatives who shall be chosen by the qualified voters of the several districts for the term of four

and two years, respectively. The General Assembly shall apportion the State every ten years, beginning with the year 187– by dividing the whole number of inhabitants of the State, as ascertained by the last decennial census of the United States by the Number 34 and the quotient shall be the ratio of legislative representation, except in counties containing a city or cities of more than one hundred thousand inhabitants in which the ratio shall be increased by adding one-third thereto. Leg-
250] islative districts shall be formed of contiguous and compact territory, bounded by county lines, and containing as nearly as practicable an equal number of inhabitants, except as hereinbefore excepted. Counties containing not less than one ratio and four-fifths of a ratio, may be divided into separate districts, or as many districts as its population contains the ratio of legislative representation; but no district shall contain less than four-fifths of a ratio. Legislative districts may be altered from time to time, as public convenience may require and until the General Assembly shall apportion representation under this Constitution, the senatorial districts established by this Convention shall be and remain the legislative districts of the State."

which was read.

The Chair laid before the Convention the following communication from the Adjutant-General:

Adjutant-General's Office.
City of Jefferson, June 15, 1875.

To the Honorable the Convention to Revise and Amend the Constitution of the State of Missouri:

Gentlemen:

In further compliance with the resolution of your honorable body of the 5th inst. requesting the Adjutant-General to communicate to the Convention the facts in relation to alleged fraudulent issue of certificates of indebtedness for war claims, I have the honor to submit herewith a duplicate of the report this day submitted to His Excellency, the Governor and Commander-in-Chief, relating to the claims for service of the 77th Regt. E. M. M. and certificates of indebtedness issued therefor.

I have the honor to be,
With great respect,
G. C. Bingham, *Adj.-Gen. Mo.*

which was read.

On motion the report was laid over informally.

Mr. Watkins moved to adjourn until tomorrow at 9 o'clock a. m.

The ayes and noes being demanded by five members, **251**] the Convention refused to adjourn by the following vote:

AYES

Adams	Gottschalk	Lay	Ross	Switzler	
Allen	Hardin	Letcher	of Morgan	Taylor	
Black	Holliday	Mabrey	Shackelford	of St. Louis	
Chrisman	Johnston	McKee	Shields	Todd	
Crews	of Nodaway	Mortell	Spaunhorst	Wallace	25
Davis	Lackland	Mudd			

NOES

Alexander	Edwards	Halliburton	McKillop	Roberts	
Boone	of Iron	Hammond	Nickerson	Ross	
Bradfield	Edwards	Hyer	Norton	of Polk	
Broadhead	of St. Louis	Johnson	Pipkin	Rucker	
Carleton	Eitzen	of Cole	Priest	Shanklin	
Conway	Farris	Massey	Pulitzer	Wagner	
Cottey	Fyan	Maxey	Ray	Watkins	
Crockett	Gantt	McAfee	Rider	Mr. President	
Dysart	Hale	McCabe	Rippey		40

ABSENT

Brockmeyer 1

ABSENT WITH LEAVE

Dryden Taylor of Jasper 2

Mr. Spaunhorst moved to refer the report of the Committee and all pending propositions to the Committee on Separate Propositions to be Submitted to the People, which was not agreed to.

On motion of Mr. Shanklin the Convention adjourned until tomorrow at 9 o'clock a. m.

WEDNESDAY, JUNE 16, 1875

MORNING SESSION

The Convention met pursuant to adjournment, the President in the chair.

Prayer by Rev. Mr. Barrett.

The journal of yesterday was read and approved.

The Convention resumed the consideration of the amendment offered by Mr. Switzler to Section one of the

report of the Committee on Representation, Representative and Senatorial Districts, pending at adjournment.

Mr. Broadhead offered the following resolution:

Resolved, That the pending amendment be submitted as an article of the Constitution to be separately voted on by the people for ratification or rejection, at the same time that the Constitution is submitted, that the same be referred to the Committee on Separate Propositions with instructions to prepare the same in proper form for submission to the people.

252] which was read.

Mr. Norton rose to a point of order and stated that the resolution just offered was out of order as the report of the Committee and pending amendments was under consideration. The President decided the point of order not well taken.

Mr. Norton offered the following amendment to the resolution:

Amend by striking out all after the word "amendment" in the first line and insert the following: "be referred to the Committee on Separate Propositions with instructions to consider the same at their earliest convenience, and report upon the expediency of submitting the same or some similar proposition to a separate vote of the people."

which was read.

Mr. Spaunhorst rose to a point of order and stated that the proposition of Mr. Broadhead, although in the shape of a resolution, was nothing more than a motion to commit and that the amendment was out of order. The President decided the point of order not well taken.

Mr. Shields offered the following amendment to the amendment:

Amend the amendment to the resolution by striking out all after the word "instructions" and insert the following words: "to report the same or a similar proposition to the Convention to be submitted to the people as a separate proposition which this Convention hereby pledges itself to do."

which was read.

On motion of Mr. Gantt the Convention adjourned until 2 o'clock p. m.

AFTERNOON SESSION

The Convention met pursuant to adjournment, the President in the chair.

The Convention resumed the consideration of the amendment offered by Mr. Shields to the amendment of Mr. Norton pending at adjournment.

Mr. Pulitzer moved the previous question, which was ordered.

The question being on agreeing to the amendment offered by Mr. Shields, and the ayes and noes being demanded by five members, the amendment was rejected 253] by the following vote:

AYES

Adams	Crews	Hardin	Mudd	Spaunhorst
Allen	Edwards	Lackland	Pipkin	Switzler
Black	of St. Louis	Letcher	Pulitzer	Taylor
Broadhead	Gantt	Massey	Rucker	of St. Louis
Brockmeyer	Gottschalk	Mortell	Shields	Todd 25
Chrisman	Hale			

NOES

Alexander	Eitzen	Johnston	Priest	Shackelford
Boone	Farris	of Nodaway	Ray	Shanklin
Bradfield	Fyan	Lay	Rider	Taylor
Carleton	Halliburton	Mabrey	Rippey	of Jasper
Conway	Hammond	Maxey	Roberts	Wagner
Cottey	Holliday	McAfee	Ross	Wallace
Crockett	Hyer	McCabe	of Morgan	Watkins
Dysart	Johnson	McKillop	Ross	Mr. President
Edwards	of Cole	Nickerson	of Polk	40
of Iron		Norton		

ABSENT

Davis McKee 2

ABSENT WITH LEAVE

Dryden 1

The question recurring on agreeing to the amendment offered by Mr. Norton to the resolution, and the ayes and noes being demanded by five members, the amendment was agreed to by the following vote:

AYES

Alexander	Edwards	Lay	Norton	Rucker
Boone	of Iron	Mabrey	Priest	Shanklin
Bradfield	Eitzen	Massey	Ray	Taylor
Carleton	Farris	Maxey	Rider	of Jasper
Conway	Fyan	McAfee	Rippey	Wagner
Cottey	Halliburton	McCabe	Ross	Wallace
Crews	Hammond	McKillop	of Morgan	Watkins
Crockett	Holliday	Mudd	Ross	Mr. President
Dysart	Hyer	Nickerson	of Polk	40

NOES

Adams	Edwards	Johnson	Mortell	Spaunhorst
Allen	of St. Louis	of Cole	Pipkin	Switzler
Black	Gantt	Johnston	Pulitzer	Taylor
Broadhead	Gottschalk	of Nodaway	Roberts	of St. Louis
Chrisman	Hale	Lackland	Shackelford	Todd 24
	Hardin	Letcher	Shields	

ABSENT

Brockmeyer	Davis	McKee	3

ABSENT WITH LEAVE

Dryden	1

The resolution offered by Mr. Broadhead as amended was then adopted.

Mr. Shields offered the following amendment to Section one of the report of the Committee:

Strike out all after the word "Representative" in the seventh line and insert in lieu thereof the following: "Each county having two ratios shall be entitled to two Representatives, each county having three and 254] one-half ratios shall be entitled to three Representatives, each county having six ratios shall be entitled to four Representatives, and above that number each county shall be entitled to one additional Representative for each two additional ratios, until the number of Representatives reaches twenty-one, and above that number it shall require two and one-half ratios for each additional Representative, provided that no county having two Representatives under this provision, shall be deprived of either under the apportionment on the United States census of 1880."

which was read.

Mr. Shackelford offered the following amendment to the amendment offered by Mr. Shields:

Amend the amendment by striking out all after the words, "additional Representatives," when it occurs the second time.

which was read.

On motion of Mr. McCabe the Convention adjourned until tomorrow at 9 o'clock a. m.

THURSDAY, JUNE 17, 1875

MORNING SESSION

The Convention met pursuant to adjournment, the President in the chair.

Prayer by Rev. Mr. Barrett.

The journal of yesterday was read and approved.

Mr. Switzler offered the following resolution:

Resolved, That the State Printer is authorized and instructed as speedily as possible, and in the usual form and style, to publish —— copies of the journal of this Convention and that the journal clerk furnish the printer no copy which has not been revised and approved by the revising committee.

which was read.

Mr. Norton moved to fill the blank number of copies with the words three thousand, which was agreed to. The resolution as amended was then adopted.

Mr. Nickerson presented a communication from Joseph Ramsey, of Shelbyville, Tennessee, in relation to science of **255**] government, which was read and referred to the Committee on Legislative Department.

The Convention resumed the consideration of the amendment offered by Mr. Shackelford to the amendment offered by Mr. Shields pending at adjournment.

Mr. Shanklin in the chair.

Mr. Shackelford, by unanimous consent of the Convention, withdrew his amendment offered yesterday to the amendment of Mr. Shields.

Mr. Chrisman offered the following amendment to the amendment offered by Mr. Shields:

Amend the amendment by striking therefrom all after the word "Representatives" in the second line thereof and inserting the following: "each county having four times said ratio shall be entitled to three Representatives, and so on above that number giving one additional Representative for every two additional ratios until the number of Representatives in any one county shall reach twenty and above that number it shall require three additional ratios to give one additional Representative."

which was read.

On motion of Mr. Wagner the Convention adjourned until 2 o'clock p. m.

AFTERNOON SESSION

The Convention met pursuant to adjournment, the President in the chair.

Mr. Massey offered the following resolution:

Resolved, That the State Auditor be requested to lay before the Convention the condition of the State finances, including the receipts and expenditures since January 1, 1875; also the sources of revenue, and whether the tax now set apart as a sinking fund will be required to be increased or diminished in view that the proper means be provided to maintain the credit of the State inviolate beyond a doubt.

Resolved, That the Secretary of this Convention furnish a copy of this resolution to the State Auditor.

which was read and adopted.

The Convention resumed the consideration of the **256**] amendment offered by Mr. Chrisman to the amendment offered by Mr. Shields pending at adjournment.

Vice-President Watkins in the chair.

The amendment to the amendment was accepted by Mr. Shields and, there being no objections, it was so ordered by the Chair.

On motion of Mr. Lackland the Convention adjourned until tomorrow at 9 o'clock a. m.

FRIDAY, JUNE 18, 1875

MORNING SESSION

The Convention met pursuant to adjournment, the President in the chair.

Prayer by the Rev. A. H. Parker.

The journal of yesterday was read and approved.

Mr. Alexander offered the following resolution:

Resolved, That all debate on the propositions now before the Convention shall cease at 10 o'clock a. m. this day and that the Convention will then proceed to vote upon the main question and the amendment thereto that may then be pending.

which was read and decided out of order.

The Convention resumed the consideration of the amendment offered by Mr. Shields as amended to Section one of the report of Committee on Representation, Representative and Senatorial Districts pending at adjournment.

On motion of Mr. Halliburton leave of absence was granted Mr. Hammond.

The question being on agreeing to the amendment offered by Mr. Shields as amended, and the ayes and noes being demanded by five members, the amendment as amended was rejected by the following vote:

AYES

Adams	Dysart	Hardin	Pulitzer	Switzler	
Allen	Edwards	Lackland	Rucker	Taylor	
Black	of St. Louis	Letcher	Shackelford	of St. Louis	
Brockmeyer	Gantt	Mortell	Shields	Todd	
Chrisman	Gottschalk	Mudd	Spaunhorst	Wallace	26
Crews	Hale	Nickerson			

NOES

257] Alexander	Crockett	Fyan	Johnston	Maxey	
Boone	Davis	Holliday	of Nodaway	McAfee	
Bradfield	Edwards	Hyer	Lay	McCabe	
Carleton	of Iron	Johnson	Mabrey	McKillop	
Conway	Eitzen	of Cole	Massey	Norton	
Cottey	Farris				

Pipkin	Rippey	Ross	Taylor	Watkins
Priest	Roberts	of Polk	of Jasper	Mr. President
Ray	Ross	Shanklin	Wagner	38
Rider	of Morgan			

ABSENT

Broadhead	McKee	2

ABSENT WITH LEAVE

Dryden	Hammond	2

Mr. Hale offered the following amendment to Section one of the report of the Committee:

Amend Section one of the majority report as follows: Strike out in the sixth and seventh lines the words, "Each county having one ratio or less shall be entitled to one Representative," and insert in lieu thereof the following: "Each county having one ratio or less in excess of five thousand inhabitants shall be entitled to one Representative; each county having less than five thousand inhabitants shall be attached to the county adjoining having the smallest population and form one representative district which shall be entitled to one Representative; *Provided*, when it shall be ascertained from the returns of the United States census that any county so attached to a larger county shall have acquired a population of five thousand inhabitants or more, such county shall be entitled to one Representative."

which was read.

The ayes and noes being demanded by five members, the amendment was rejected by the following vote:

AYES

Adams	Crews	Gantt	Lackland	Nickerson
Allen	Dysart	Gottschalk	Letcher	Pulitzer
Black	Edwards	Hale	Mortell	Switzler
Chrisman	of St. Louis	Hardin	Mudd	Todd 19

NOES

Alexander	Edwards	Johnston	Priest	Shanklin
Boone	of Iron	of Nodaway	Ray	Shields
Bradfield	Eitzen	Lay	Rider	Spaunhorst
Brockmeyer	Farris	Mabrey	Rippey	Taylor
Carleton	Fyan	Massey	Roberts	of St. Louis
Conway	Halliburton	Maxey	Ross	Wagner
Cottey	Holliday	McAfee	of Morgan	Wallace
Crockett	Hyer	McCabe	Ross	Watkins
Davis	Johnson	McKillop	of Polk	Mr. President
	of Cole	Norton	Shackelford	42

ABSENT

Broadhead	McKee	Pipkin	Rucker	4

ABSENT WITH LEAVE

258] Dryden	Hammond		2

EXCUSED

Taylor of Jasper	1

On motion of Mr. Gantt leave of abence was granted Mr. Todd.

On motion, leave of absence was granted Mr. Adams.

Mr. Switzler offered the following amendment to Section 1:

Strike out of the seventh line the words, "two and a half times," and insert the word "twice" in lieu thereof.

which was read.

On motion of Mr. Pulitzer the Convention adjourned until 2 o'clock p. m.

AFTERNOON SESSION

The Convention met pursuant to adjournment, the President in the chair.

Mr. Spaunhorst offered the following resolution:

Resolved, That the Constitutional Convention adjourn on Tuesday, the 27th inst. at 12 o'clock, and that it convene to an adjourned session at this place to take place on Wednesday, January 5, A. D. 1876, at ten o'clock a. m.

which was read and laid over informally.

On motion of Mr. Wallace, leave of absence was granted Mr. Pipkin.

On motion of Mr. Wagner, leave of absence was granted Mr. Crews.

On motion of Mr. Edwards of St. Louis, leave of absence was granted to Mr. Broadhead.

On motion of Mr. Taylor of Jasper, leave of absence was granted Mr. Hardin.

The Convention resumed the consideration of the amendment offered by Mr. Switzler to Section one, pending at adjournment. The question being on agreeing to the amendment, the ayes and noes were demanded by five members.

The amendment was rejected by the following vote:

AYES

Allen	Edwards	Lackland	Rucker	Switzler	
Black	of St. Louis	Letcher	Shackelford	Taylor	
Brockmeyer	Gantt	Mortell	Shields	of St. Louis	
Chrisman	Gottschalk	Mudd	Spaunhorst	Wallace	21
Dysart	Hale	Pulitzer			

NOES

259] Alexander	Edwards	Johnson	McKee	Ross	
Boone	of Iron	of Cole	McKillop	of Polk	
Bradfield	Eitzen	Johnston	Norton	Shanklin	
Carleton	Farris	of Nodaway	Priest	Taylor	
Conway	Fyan	Mabrey	Ray	of Jasper	
Cottey	Halliburton	Massey	Rider	Wagner	
Crockett	Holliday	Maxey	Rippey	Watkins	
Davis	Hyer	McAfee	Ross	Mr. President	
		McCabe	of Morgan		37

ABSENT

Lay	Nickerson	2

ABSENT WITH LEAVE

Adams	Crews	Hammond	Pipkin	Todd	8
Broadhead	Dryden	Hardin			

Mr. Hardin arose to a question of privilege and stated that if he had been present when the vote was taken on the amendment offered by Mr. Switzler he would have voted in the affirmative.

Mr. Massey offered the following amendment to Section one:

Amend Section one of the majority report by striking out all after the word "Representative" in the seventh line and insert the following: "Each county having three times said ratio shall be entitled to two Representatives, each county having six times said ratio shall be entitled to three Representatives, and so on above that number, giving one additional member for every three additional ratios."

which was read.

Mr. Nickerson arose to a question of privilege and stated that if he had been present when the vote was taken on the amendment offered by Mr. Switzler to Section one he would have voted in the affirmative.

Mr. Spaunhorst moved to recommit the report on representation, representative and senatorial districts, and pending amendments to the Committee on Representation, Representative and Senatorial Districts, with instructions to report it back on Thursday, June 24, 1875, and that it be made the special order for ten o'clock on that day, which was not agreed to.

The question recurring on the amendment offered by Mr. Massey, the ayes and noes being demanded by five

 members, the amendment was rejected by the following vote:

AYES

Johnston of Nodaway	Massey	Pulitzer	Ross of Morgan	4

NOES

Alexander	Eitzen	Lackland	Norton	Switzler
Black	Farris	Lay	Priest	Taylor
Boone	Fyan	Letcher	Ray	of Jasper
Bradfield	Gantt	Mabrey	Rider	Taylor
Carleton	Gottschalk	Maxey	Rippey	of St. Louis
Chrisman	Hale	McAfee	Ross	Wagner
Conway	Halliburton	McCabe	of Polk	Wallace
Cottey	Hardin	McKee	Rucker	Watkins
Crockett	Holliday	McKillop	Shackelford	Mr. President
Dysart	Hyer	Mortell	Shanklin	50
Edwards of Iron	Johnson of Cole	Nickerson	Spaunhorst	

ABSENT

Allen	Davis	Edwards	Mudd	Shields	7
Brockmeyer		of St. Louis	Roberts		

ABSENT WITH LEAVE

Adams	Dryden	Hammond	Pipkin	Todd	7
Broadhead	Crews				

Mr. Mudd offered the following amendment to Section one:

Amend Section one by striking out all after the word "Representatives" in the first line and insert as follows: "shall be elected at each general election, and the term in office shall be for two years. The population of the State, as ascertained by the last decennial census shall be divided by the number 150 and the quotient shall be the ratio of representation in the House of Representatives. Each county having a population exceeding three-fifths of the ratio shall be entitled to one Representative. If any county shall have less than three-fifths of the ratio it shall be attached to some adjoining county or counties to make as nearly as may be, one ratio; and counties so attached shall constitute a representative district. Every county having a population not less than one ratio and three-fifths, shall be entitled to two Representatives, and for each additional number of inhabitants, equal to the ratio, one additional Representative. When, under the provision of this section, it may be necessary to add a small county to one having one ratio of 261] population and by such addition, the counties so combined shall have a population which would entitle them to two or more Representatives, the Representatives may be elected at large in said district, *provided, however*, that the county courts of such counties may, by order agreed upon, and entered upon the records of such courts, divide said counties into representative districts to correspond with the Representatives to which said counties may be entitled, each of which district shall elect one Representative. When any county shall be entitled to more than one Representative, the county court shall cause said county to be subdivided into as many compact and convenient districts as such county may be entitled to Representatives, which district shall be as near as may be of equal population, and the qualified voters of each such districts shall be entitled to elect one Representative. When a county or district having but one Representative shall have a fraction of population above the ratio for a Representative, equal to one-fifth of the ratio, such county or district shall be entitled to one additional Representative. During the second one-fourth terms of each decennial period for which each apportionment shall be made, when such fractions shall exceed two-fifths of the ratio such county or district shall be entitled to one additional Representative, during the first, third and fifth decennial period, or terms respectively."

which was read and rejected.

Mr. Letcher offered the following amendment to Section one:

Amend the first section by striking out all after the word "hundred" in the sixth line and insert the following: "Each county having one ratio or less shall be entitled to one Representative, each county having two ratios shall be entitled to two Representatives, each county having three ratios shall be entitled to three Representatives and for every two and a half additional ratios any county may have above three, such 262] county shall be entitled to an additional Representative."

which was read and rejected.

Mr. Gantt offered the following substitute for the first section of the report of the Committee on Representation, Representative and Senatorial Districts:

The members of the House of Representatives shall never exceed eighty-four and the number of the Senate shall never exceed twenty-eight, and the members thereof shall be apportioned as follows:

The General Assembly, meeting first after the adoption of this Constitution, shall divide the whole population of the State, as ascertained by the last federal census, by the number 28 and shall proceed to divide the State into twenty-eight senatorial districts of compact and contiguous territory, each district to be bounded by county lines and containing a population, as nearly as may be, equal to the quotient ascertained as above provided, except that in counties containing cities of a population exceeding two hundred thousand, the senatorial districts shall contain a population one-third larger. These districts shall be numbered from one to twenty-eight. At the general election first after such division one Senator shall be elected from each senatorial district by the qualified voters thereof. The Senators elected from the districts having odd numbers shall hold office for two years, and the senators elected from districts having even numbers shall hold office for four years from the day of their election, but the seat of every Senator, whether for an odd or even district, shall be vacated at the end of the session of the General Assembly next after the taking and publication of any decennial federal census. *First*, From each of the senatorial districts thus ascertained, three members of the House of Representatives shall be elected at every general election, who shall hold office for two years thereafter. At such election any voter may cast for any designated candidate, as many votes as there are Representatives to be elected, or may distribute his votes among the candidates at his discretion. *Second*, At the session of the General Assembly next after the taking and publication of each federal decennial census, the process of dividing the State, as indi-
263] cated in Section——of this article, shall be repeated, the whole number of senatorial districts never exceeding thirty-eight but the General Assembly may, at any time, lessen the number of such senatorial districts.

which was read.

Mr. Switzler offered the following amendment to the substitute:

Amend by striking out all after the word "thereafter" in the seventeenth line and before the word "at" in the nineteenth line.

which was read and rejected.

The question recurring on the adoption of the substitute, five members demanded the ayes and noes.

The substitute was rejected by the following vote:

AYES

Dysart	Gantt	Johnston	Letcher	Pulitzer	
Edwards	Gottschalk	of Nodaway	McKee	Spaunhorst	
of St. Louis	Hale	Lackland	Mudd	Switzler	13

NOES

Alexander	Edwards	Johnson	Priest	Shields	
Black	of Iron	of Cole	Ray	Taylor	
Boone	Eitzen	Lay	Rider	of Jasper	
Bradfield	Farris	Mabrey	Rippey	Taylor	
Brockmeyer	Fyan	Massey	Roberts	of St. Louis	
Carleton	Halliburton	Maxey	Ross	Wagner	
Chrisman	Hardin	McAfee	of Morgan	Wallace	
Conway	Holliday	McKillop	Ross	Watkins	
Cottey	Hyer	Nickerson	of Polk	Mr. President	
Crockett		Norton	Shanklin		42

ABSENT

Allen	McCabe	Mortell	Rucker	Shackelford	6
Davis					

ABSENT WITH LEAVE

Adams	Crews	Hammond	Pipkin	Todd	7
Broadhead	Dryden				

The question then recurring on the adoption of Section one of the report of the Committee, and the ayes and noes being demanded by five members, Section one was adopted by the following vote:

AYES

Alexander	Edwards	Lay	Priest	Shanklin
Boone	of Iron	Mabrey	Ray	Shields
Bradfield	Eitzen	Massey	Rider	Taylor
Carleton	Farris	Maxey	Rippey	of Jasper
Conway	Fyan	McAfee	Roberts	Wagner
Cottey	Halliburton	McCabe	Ross	Wallace
Crockett	Holliday	McKee	of Morgan	Watkins
Davis	Hyer	McKillop	Ross	Mr. President
Dysart	Johnson	Nickerson	of Polk	42
	of Cole	Norton	Rucker	

NOES

264] Black	Gantt	Johnston	Mortell	Switzler	
Brockmeyer	Gottschalk	of Nodaway	Mudd	Taylor	
Chrisman	Hale	Lackland	Pulitzer	of St. Louis	
Edwards	Hardin	Letcher	Spaunhorst		17
of St. Louis					

ABSENT

Allen	Shackelford				2

ABSENT WITH LEAVE

Adams	Crews	Hammond	Pipkin	Todd	7
Broadhead	Dryden				

Mr. Maxey presented a resolution from the Patrons of Husbandry of Phelps county in regard to taxation, which was read and on motion referred to the Committee on Revenue and Taxation.

Section two was then read.

Mr. Gottschalk offered the following amendment to Section two:

Amend Section two by striking out all after the word "*Provided*" in line six and insert in lieu thereof the following: "That when any county shall be entitled to more than ten Representatives, the county shall not be divided into representative districts, but at all elections for such Representatives, any voter may cast for any designated candidate as many votes as there are Representatives to be elected in said county, or may distribute his votes among the candidates at his discretion."

which was read.

Mr. Spaunhorst in the chair.

Mr. Massey called for a division of the question.

Mr. Mudd moved that the Convention adjourn until tomorrow morning at 9 o'clock, which was not agreed to.

On motion of Mr. Brockmeyer Section two with pending amendments was laid over informally.

Section three was read and adopted.

Section four was than read and adopted.

Section five was read and on motion of Mr. Gantt laid over informally.

Section six was then read.

On motion of Mr. Norton the Convention adjourned until tomorrow at 9 o'clock a. m.

265] **SATURDAY, JUNE 19, 1875**

MORNING SESSION

The Convention met pursuant to adjournment, the President in the chair.

Prayer by the Rev. A. H. Parker.

The journal of yesterday was read and approved.

Mr. Fyan from the Committee on Representation, Representative and Senatorial Districts, submitted the following report:

Mr. President:

The Committee on Representation, Representative and Senatorial Districts to which was referred the resolution "to district the State for the election of State Senators, etc." respectfully submit the following provision to be incorporated as a section in Article——of the Constitution.

Section—. Until the State shall be divided into senatorial districts in accordance with the provisions of this article the said districts shall stand and be numbered as follows:

First District shall be composed of the counties of Andrew, Holt, Nodaway and Atchison.

Second District—The counties of Buchanan, DeKalb, Gentry and Worth.

Third District—The counties of Clay, Clinton and Platte.

Fourth District—The counties of Caldwell, Ray, Daviess and Harrison.

Fifth District—The counties of Livingston, Grundy, Mercer and Carroll.

Sixth District—The counties of Linn, Sullivan, Putnam and Chariton.

Seventh District—The counties of Randolph, Howard and Monroe.

Eighth District—The counties of Adair, Macon and Schuyler.

Ninth District—The counties of Audrain, Boone and Callaway.

Tenth District—The counties of St. Charles and Warren.

Eleventh District—The counties of Pike, Lincoln and Montgomery.

Twelfth District—The counties of Lewis, Clark, Scotland and Knox.

Thirteenth District—The counties of Marion, Shelby and Polk.

Fourteenth District—The counties of Bates, Cass and Henry.

Fifteenth District—The county of Jackson.

Sixteenth District—The counties of Vernon, Barton, Jasper, Newton and McDonald.

266] Seventeenth District—The counties of Lafayette and Johnson.

Eighteenth District—The counties of Greene, Lawrence, Barry, Stone and Christian.

Nineteenth District—The counties of Saline, Pettis and Benton.

Twentieth District—The counties of Polk, Hickory, Dallas, Dade, Cedar and St. Clair.

Twenty-first District—The counties of Laclede, Webster, Wright, Texas, Douglas, Taney, Ozark and Howell.

Twenty-second District—The counties of Phelps, Osage, Miller, Maries, Camden, Pulaski and Crawford.

Twenty-third District—The counties of Washington, Jefferson, St. Francois, Ste. Genevieve and Perry.

Twenty-fourth District—The counties of Iron, Madison, Bollinger, Wayne, Butler, Reynolds, Carter, Ripley, Oregon, Shannon and Dent.

Twenty-fifth District—The counties of Franklin and Gasconade.

Twenty-sixth District—The counties of Cape Girardeau, Mississippi, New Madrid, Pemiscot, Dunklin, Stoddard and Scott.

Twenty-seventh District—Cooper, Moniteau, Morgan and Cole.

St. Louis, seven districts, numbered respectively as follows: Twenty-eight, Twenty-nine, Thirty, Thirty-one, Thirty-two, Thirty-three and Thirty-four.

And the Committee further reports as a proviso to be added to Section seven of this article as follows:

Provided, That if at any time or from any cause, the General Assembly shall fail or refuse to district the State for Senators, as required in this section, it shall be the duty of the Governor, Secretary of State and Attorney-General to perform said duty, and to file in the office of said Secretary of State a full statement of the said districts formed by them and signed by them officially and attested by the Great Seal of State including the names of the counties embraced in each district and the members of said district and upon the proclamation of the Governor the same shall be as binding and effectual as if done by the General Assembly.

E. H. Norton, *Chairman.*

which was read and on motion laid over informally and one hundred fifty copies ordered printed.

Mr. Dysart presented a petition from the members of 267] the Macon county bar in relation to creating, by constitutional provision, a system of common pleas courts by judicial districts to have original jurisdiction of all probate business and such further jurisdiction as may seem proper, which was read and on motion referred to the Committee on Judicial Department.

Mr. Switzler offered the following as an additional rule to the standing rules of the Convention:

That each speaker be limited to ten minutes, unless, on leave of a majority of the Convention, the time is extended.

which was read and laid over under the rules.

Mr. Wallace presented a petition from the taxpayers of Miami township, Saline county, in relation to the reduction of taxes and especially the tax for the support of public schools, which was read and on motion referred to the Committee on Education.

The Convention resumed the consideration of the report of the Committee on Representation, Representative and Senatorial Districts pending at adjournment.

Mr. Bradfield moved to reconsider the vote by which Section four was adopted, which was agreed to.

Mr. Bradfield offered the following substitute for Section four:

The Senate shall consist of thirty-four members to be chosen by the qualified voters of their respective districts for four years; for the election of whom the State shall be divided into convenient districts as nearly equal in population as may be, the same to be ascertained by the last decennial census taken by the United States.

which was read.

Mr. Spaunhorst offered the following amendment to the substitute:

Amend the substitute by striking out the word "whom" and insert in lieu thereof the word "Senators."

which was read and agreed to.

The substitute as amended was adopted.

The question recurring on the adoption of Section four as amended by the substitute, it was adopted.

Section six was then read and, on motion of Mr. Spaunhorst, rejected.

Section seven was read.

Mr. Bradfield offered the following amendment to Section seven:

268] Amend Section seven by adding the following words: "*Provided*, That if at any time or from any cause the General Assembly shall fail or refuse to district the State for Senators, as required in this Section, it shall be the duty of the Governor, Secretary of State, and Attorney-General, within thirty days after the adjournment of the General As-

sembly on which such duty devolves, to perform the said duty and to file in the office of the Secretary of State, a full statement of the districts formed by them, including the names of the counties embraced in each district and the number of same, said statement to be signed by them and attested by the Great Seal of the State and upon the proclamation of the Governor the same shall be as binding and effectual as if done by the General Assembly."

which was read and agreed to.

Section seven as amended was then adopted.

Section eight was read.

Mr. Pulitzer offered the following amendment to Section eight:

Amend by striking out the word "Greene" in the sixth line.

which was read and rejected.

Section eight was then adopted.

Section nine was read and adopted.

Section ten was read.

Mr. Wallace offered the following amendment to Section ten:

Amend Section ten by adding thereto the following: "*Provided, however*, that the Senate as now constituted shall so remain until the meeting of the regular session of the General Assembly after the general election in the year eighteen hundred and seventy-six."

which was read and rejected.

Mr. Shanklin offered the following amendment to Section ten:

Amend Section ten by striking out after the words, "Eighteen hundred and seventy-six," in the second line down to and including the word "class" in the fourth line and insert in lieu thereof the following: "When the whole number of Representatives and the Senators from the districts having odd numbers (who shall compose the first class) shall be chosen."

which was read and agreed to.

Section ten as amended was then adopted.

Section eleven was read and on motion laid over informally.

269] Section two, passed over informally yesterday, was taken up, with pending amendment offered by Mr. Gottschalk.

Mr. Gottschalk, by unanimous consent of the Convention, withdrew his amendment.

Mr. Gantt offered the following substitute for Section two:

When any county shall be entitled to more than one Representative the county court shall cause such county to be subdivided into districts corresponding in number to the Representatives to which such county is entitled, and in population as nearly equal as may be, in each of which the qualified voters shall elect one Representative who shall be a resident of such district: *Provided*, That when any county shall be entitled to more than ten Representatives the circuit court shall cause such county to be subdivided into districts, so as to give each district not less than two nor more than four Representatives, who shall be residents of such districts; the population of the districts to be apportioned to the number of Representatives to be elected therefrom.

which was read.

Mr. Massey offered the following amendment to the substitute:

And provided further that no voter shall be allowed to vote for more than one Representative at the same election.

which was read and rejected.

Mr. Shields offered the following amendment to Section two:

Amend Section two as follows: Strike out the word "county" in the seventh line and insert the word "circuit" in lieu thereof, and insert after the word "district" in the ninth line the words, "which said districts shall contain a population proportionate to the number of members to be therein elected."

which was read and agreed to.

Mr. McCabe offered the following amendment to the substitute:

Amend by inserting after the word "districts" in line four the words, "of compact and contiguous territory."

which was read and agreed to.

On motion of Mr. Gottschalk, leave of absence was granted Messrs. Eitzen and Pulitzer.

On motion of Mr. Bradfield, leave of absence was
270] granted to Mr. Lackland.

On motion of Mr. Shanklin, leave of absence was granted Mr. Allen.

On motion of Mr. Rippey, leave of absence was granted Mr. Spaunhorst.

On motion of Mr. McKillop, leave of absence was granted Mr. Johnston of Nodaway.

On motion of Mr. Farris, leave of absence was granted Mr. Holliday.

On motion of Mr. Brockmeyer, leave of absence was granted Mr. Edwards of St. Louis.

On motion of Mr. Alexander, leave of absence was granted Mr. Conway.

Mr. Massey offered the following amendment to the substitute:

And provided further, that every voter in the State be permitted to vote for the same number of persons to the House of Representatives as allowed in St. Louis or any other county by this section.

which was read.

The ayes and noes being demanded by five members, the amendment was rejected by the following vote:

AYES

Massey					1

NOES

Alexander	Edwards	Hyer	Nickerson	Taylor	
Black	of Iron	Johnson	Priest	of Jasper	
Boone	Farris	of Cole	Ray	Taylor	
Bradfield	Fyan	Lay	Rider	of St. Louis	
Brockmeyer	Gantt	Letcher	Rippey	Wagner	
Carleton	Gottschalk	Mabrey	Roberts	Wallace	
Chrisman	Hale	Maxey	Rucker	Watkins	
Cottey	Halliburton	McAfee	Shackelford	Mr. President	
Dysart	Hammond	McCabe	Shanklin		43
	Hardin	McKillop	Shields		

ABSENT

Crockett	Mortell	Ross	Ross	Switzler	8
Davis	Mudd	of Morgan	of Polk		
McKee					

ABSENT WITH LEAVE

Adams	Conway	Edwards	Johnston	Pulitzer	
Allen	Crews	of St. Louis	of Nodaway	Spaunhorst	
Broadhead	Dryden	Eitzen	Lackland	Todd	15
		Holliday	Pipkin		

SICK

Norton	1

The question recurring on the adoption of the substitute as amended, the ayes and noes being demanded by five members, the substitute was adopted by the following vote:

AYES

271] Alexander	Edwards	Johnson	Nickerson	Shields	
Black	of Iron	of Cole	Priest	Taylor	
Bradfield	Farris	Lay	Ray	of Jasper	
Brockmeyer	Fyan	Letcher	Rider	Taylor	
Carleton	Gantt	Mabrey	Roberts	of St. Louis	
Chrisman	Gottschalk	Maxey	Rucker	Watkins	
Cottey	Hale	McAfee	Shackelford	Mr. President	
Dysart	Hardin	McCabe	Shanklin		37
	Hyer	McKillop			

NOES

Boone	Halliburton	Hammond	Massey	Wallace	5

ABSENT

Crockett	Mortell	Ross	Ross	Switzler	
Davis	Mudd	of Morgan	of Polk	Wagner	10
McKee	Rippey				

ABSENT WITH LEAVE

Adams	Conway	Edwards	Holliday	Pipkin	
Allen	Crews	of St. Louis	Johnston	Pulitzer	
Broadhead	Dryden	Eitzen	of Nodaway	Spaunhorst	
			Lackland	Todd	15

SICK

Norton	1

Section two as amended by the substitute was then adopted.

Mr. Black from the Committee on Boundaries and Political Subdivisions of the State submitted the following report:

REPORT OF COMMITTEE ON BOUNDARIES AND POLITICAL SUBDIVISIONS OF THE STATE.

ARTICLE———

BOUNDARIES

The boundaries of the State as now established are hereby satisfied and confirmed. The State shall have concurrent jurisdiction on the

river Mississippi, and every other river bordering on the State, so far as the said rivers shall form a common boundary to this State and any other state or states; and the river Mississippi and the navigable rivers and waters leading to the same shall be common highways and forever free to the citizens of this State and of the United States without any tax, duty, import or toll therefor, imposed by this State.

ARTICLE———

COUNTIES, CITIES, AND TOWNS

Section 1. The several counties of this State as they now exist are hereby recognized as legal subdivisions of the State.

Section 2. The General Assembly shall have no power to remove the county seat of any county, but the removal of county seats shall be 272] provided for by general law; and no county seat shall be removed unless two-thirds of the qualified voters of the county, voting on the proposition at a general election, shall vote therefor; and no such proposition shall be oftener submitted than once in five years. No compensation or indemnity for real estate or the improvements thereon, affected by such removal, shall be allowed.

Section 3. The General Assembly shall have no power to establish any new county with a territory of less than five hundred square miles, or with a population less than the ratio of representation existing at the time, nor to reduce any county now established to less than that area or to a less population than such ratio.

Section 4. No county shall be divided or have any part stricken therefrom or added thereto without submitting the question to a vote of the people of the county; nor unless a majority of all the qualified voters of the county or counties thus affected, voting on the question shall vote therefor. When a new county is established it shall be holden for and obliged to pay its proportion of all the liabilities, then existing, of the county or counties from which it is formed.

Section 5. No county, township, city, town or any subdivision thereof shall hereafter become subscriber to the capital stock of any railroad or private corporation, or make donation to, or loan its credit to, or in aid of any such corporation.

Section 6. The General Assembly shall provide by general laws for the organization and classification of cities and towns. The number of such classes shall not exceed four and the powers of each class shall be defined by general law, so that all such municipal corporations of the same class shall possess the same powers and be subject to the same restrictions.

Section 7. The General Assembly shall pass no local or special law incorporating any city, town or village, or changing, altering or amending the charter of any city, town or village, but the General Assembly shall make provision by general law whereby any city, town 273] or village, existing by virtue of any special or local law may elect to become subject to and governed by the general laws relating to such corporations.

F. M. Black, *Chairman.*

which was read and on motion laid over informally and one hundred and fifty copies ordered printed.

The President laid the following communication before the Convention:

Columbia, Mo., June 18, 1875.

To the Hon. Waldo P. Johnson,
President of the Constitutional Convention, State of Missouri.
Sir:

I desire through you to extend an invitation to the honorable body over which you preside, to visit the University of the State, and examine its condition; and especially to be present at the commencement which takes place on Thursday, the 24th inst., the exercises beginning at 9 o'clock a. m.

I need not add that the presence of such a body as the Convention, assembled for the highest object of the State, would be regarded as a most interesting event, and have an inspiring influence upon the young men of the State engaged in a course of education.

With the highest respect, I have the honor to be your obedient servant, Daniel Read.

Mr. McAfee offered the following resolution:

Resolved, That the thanks of the Convention be tendered to the President of the State University, for his letter of invitation just read, and the members hereby express their regret that their duties preclude them from availing themselves of the pleasure of accepting the same.

which was read and adopted.

On motion of Mr. Shields the Convention adjourned until Monday at 9 o'clock a. m.

274] **MONDAY, JUNE 21, 1875**

MORNING SESSION

The Convention met pursuant to adjournment, the President in the chair.

The journal of Saturday was read and approved.

Mr. Shanklin, from the Committee on Boundaries and Political Subdivisions of the State, submitted the following views of the minority of said Committee and recommended the adoption of the accompanying amendment to the majority report of the Committee:

Mr. President:

The undersigned, a minority of the Committee on Boundaries and Political Subdivisions of the State, have been unable to concur with a majority of the Committee in respect to the limitations upon the General Assembly, in organizing new counties. On some of the leading railroads of the State populous towns have sprung up which are centers of large and rapidly growing agricultural districts of country, all situated at such great distances from any county seat, as to make their business necessarily done at the county seat, exceedingly expensive. While we are of the opinion that no provision ought to be made which would result in the formation of any considerable number of new counties, yet, we respectfully insist that where there is a territory, say of four hundred square miles, containing a population of one representative ratio whose population by a two-third vote desire the formation of a new county by so doing the territory of said adjoining counties would not be from territory of adjoining counties whereby reduced below four hundred square miles, or below one ratio of population, and when the formation of such territory into a county would not reduce any county so that any of its lines would run within ten miles of any established county seat, such territory ought to be organized into a county. Entertaining these views we respectfully submit the section below as a substitute for Sections three and four of the report of the majority.

Respectfully submitted,
J. H. Shanklin,
John F, Rucker.

275] No new county shall be established with a territory of less than four hundred square miles, or with a population less than the ratio of representation existing at the time, nor shall any county as now established be reduced to less than that or to less than that number of inhabitants, nor shall any new county be formed unless two-thirds of the qualified voters within the district composing the limits of such proposed new county, voting at an election held for that purpose, shall vote therefor: nor shall any new county be established, any line of which shall run within ten miles of the then existing county seat of any county. In all cases of the establishment of any new county, the new county shall be held for and obliged to pay its rateable proportion of all the liabilities then existing of the county or counties from which said new county shall be formed.

which was read and on motion laid over informally and one hundred and fifty copies ordered printed with the report of the Committee.

The Convention resumed the consideration of the report of the Committee on Representation, Representative and Senatorial Districts pending at adjournment.

On motion of Mr. Norton, the further consideration of the report, together with the report of the Committee Re-

districting the State into Senatorial Districts was postponed and made the special order for Wednesday, June 23, 1875, at 9 o'clock a. m.

Mr. Todd presented a petition from the St. Louis Medical Society in relation to making constitutional provision for such legislation as may be required to establish and maintain at public expense an institution for the care and training of feeble-minded children, which was read and on motion referred to the Committee on Miscellaneous Provisions.

Mr. Priest called up the resolution offered by Mr. Switzler on Saturday as an additional rule to the standing rules of the Convention.

Mr. Shields offered the following amendment to the resolution:

> Amend by striking out the word "ten" and insert in lieu thereof the word "fifteen."

which was read and agreed to.

The question recurring on the adoption of the rule as

amended, and the ayes and noes being demanded by five members, the resolution as amended was adopted by the following vote:

AYES

Alexander	Edwards	Massey	Rippey	Shanklin
Boone	of Iron	Maxey	Roberts	Switzler
Carleton	Eitzen	McAfee	Ross	Taylor
Chrisman	Farris	McKee	of Morgan	of Jasper
Cottey	Fyan	McKillop	Ross	Wagner
Crockett	Gottschalk	Nickerson	of Polk	Wallace
Dysart	Hale	Norton	Rucker	Watkins
	Hyer	Priest	Shackelford	Mr. President 35

NOES

Bradfield	Halliburton	Johnson	Mudd	Taylor	
Brockmeyer	Hammond	of Cole	Ray	of St. Louis	
Davis	Hardin	Mabrey	Rider	Todd	17
Gantt	Holliday	McCabe	Shields		

ABSENT

Lay	Letcher	Mortell	3

ABSENT WITH LEAVE

Adams	Black	Dryden	Johnston	Pipkin
Allen	Conway	Edwards	of Nodaway	Pulitzer
Broadhead	Crews	of St. Louis	Lackland	Spaunhorst 13

On motion of Mr. Farris the report of the Committee on Judicial Department was taken up.

Section one was read.

Mr. Farris offered the following amendment to Section one:

Amend Section one by striking out all after the word "in" in the fourth line and insert the following: "one appellate court in the city of St. Louis inferior to the Supreme Court as is hereinafter provided for."

which was read.

Mr. Farris, by unanimous consent of the Convention, withdrew his amendment.

Mr. Halliburton offered the following amendment to Section one:

Amend Section one by striking out all after the word "courts" where it first occurs in the fourth line.

which was read.

Mr. Dysart offered the following substitute for Section one of the report of the Committee:

Section 1. The judicial power of the State shall be vested in a Supreme Court, appellate courts, circuit courts, county courts, justices of the peace, and such police courts, inferior to the circuit courts, as may be established by the Legislature for towns.

277] which was read.

The question recurring on agreeing to the amendment offered by Mr. Halliburton to Section one, it was rejected.

Mr. Johnson of Cole moved that the further consideration of Section one and pending amendments be laid over informally, which was agreed to.

Section two was then read and adopted.

Section three was read.

Mr. Shields offered the following amendment to Section three:

Amend Section three by striking out the words "without a jury" in the fourth line.

which was read.

Five members demanding the ayes and noes, the amendment was agreed to by the following vote:

AYES

Alexander	Edwards	Johnson	Mudd	Switzler	
Boone	of Iron	of Cole	Priest	Todd	
Bradfield	Farris	Mabrey	Rider	Wallace	
Brockmeyer	Fyan	McAfee	Roberts	Watkins	
Cottey	Halliburton	McKee	Shanklin	Mr. President	
Crockett	Holliday	McKillop	Shields		28
Davis					

NOES

Carleton	Gottschalk	Lay	Norton	Taylor	
Chrisman	Hale	Letcher	Rippey	of Jasper	
Dysart	Hammond	Massey	Ross	Taylor	
Eitzen	Hardin	McCabe	of Polk	of St. Louis	
Gantt	Hyer	Nickerson	Shackelford	Wagner	22

ABSENT

Maxey	Mortell	Ray	Ross	Rucker	5
			of Morgan		

ABSENT WITH LEAVE

Adams	Broadhead	Dryden	Johnston	Pipkin	
Allen	Conway	Edwards	of Nodaway	Pulitzer	
Black	Crews	of St. Louis	Lackland	Spaunhorst	13

Mr. Shanklin offered the following amendment to Section three:

Amend Section three by striking out the word "tribunals" in the second line and insert the words, "courts of law," in lieu thereof.

which was read and agreed to.

The question then recurring on the adoption of Section three as amended, it was adopted.

Section four was read.

Mr. Letcher offered the following amendment to Section four:

278] Amend Section four by striking out the word "ten" in the first line and inserting in lieu thereof the word "six."

which was read.

Mr. Ross of Polk moved that Section four and pending amendments be laid over informally, which was not agreed to.

Mr. Dysart offered the following amendment to the amendment offered by Mr. Letcher:

Amend the amendment by substituting for the word "six" the word "twelve."

which was read and rejected.

The question recurring on agreeing to the amendment offered by Mr. Letcher, it was rejected.

Mr. Gantt offered the following amendment to Section four:

Amend Section four by striking out the second and third lines and insert in lieu thereof the following: "The judge whose commission is the oldest shall be the presiding judge of the court."

which was read.

Mr. Johnson of Cole offered the following amendment to the amendment:

Provided, If there be two or more judges holding commissions of the same date, one of them who has been a member of the Missouri bar the longest shall preside.

which was read and rejected.

Mr. Todd offered the following amendment to Section four:

Amend by striking out the last two lines and inserting these words: "The judge holding the oldest license to practice in the courts of the State shall be the presiding judge of the court."

which was read.

The question being on agreeing to the amendment offered by Mr. Gantt, it was rejected.

The question recurring on agreeing to the amendment offered by Mr. Todd, it was rejected.

Mr. Ross of Polk offered the following amendment to Section four:

Amend by adding: "*Provided*, This shall not apply to a judge elected 279] or appointed to fill a vacancy."

which was read and rejected.

Mr. Johnson of Cole offered the following amendment to Section four:

Amend by striking out the words, "the shortest time to serve," in the second line and insert "serve the longest time."

which was read and rejected.

Mr. Shields offered the following substitute for Section four:

The judges of the Supreme Court shall hold office for the term of ten years. The judge oldest in commission shall be the Chief Justice of the court; and if there be more than one commission of the same date the court may select the Chief Justice from the judges holding the same.

which was read and adopted.

Mr. Ross of Polk offered the following amendment to the substitute:

Amend by striking out the word "ten" in the first line and inserting in lieu thereof the word "nine."

which was read and rejected.

The question recurring on the adoption of Section four as amended by the substitute, it was adopted.

Section five was read.

Mr. Roberts offered the following amendment to Section five:

Amend Section five by striking out all after the word "elected" and inserting in lieu thereof the words, "by the qualified voters of the State."

which was read.

Mr. Ross of Polk offered the following substitute for Section five and pending amendment:

The Supreme Court shall consist of three judges, a majority of whom shall constitute a quorum to transact business, and the said judges shall be conservators of the peace throughout the State, and shall be elected from separate districts.

which was read.

Mr. Switzler offered the following resolution:

Resolved, That the Committee on Education have leave of absence to attend the commencement exercises at the State University at Columbia, which occurs on Thursday, 24th inst.

which was read and adopted.

280] On motion of Mr. Switzler, the Convention adjourned until 2 o'clock p. m.

AFTERNOON SESSION

The Convention met pursuant to adjournment, the President in the chair.

On motion of Mr. Rucker, leave of absence was granted Mr. Taylor of Jasper.

The Convention resumed the consideration of the amendment offered by Mr. Roberts to Section five of the report of the Committee on Judicial Department pending at adjournment.

Mr. Hale moved that Sections five, six, seven, eight and nine, with pending amendments, be laid over informally, which was agreed to.

Section ten was read.

Mr. Dysart offered the following amendment to Section ten:

Amend Section ten by striking out all before the word "No" in the first line.

which was read and rejected.

Mr. Johnson of Cole offered the following amendment to Section ten:

Amend by adding the words, "unless, upon a presentation of a copy of the record, the Supreme Court shall allow the same."

which was read and agreed to.

Mr. Lay offered the following amendment:

Amend Section ten by striking out all after the words, "Section ten," in the first line.

which was read.

The Chair stated that this was the same as a motion to reject and would come upon the motion to adopt the section.

The question recurring on the adoption of Section ten as amended, and the ayes and noes being demanded by five members, it was rejected by the following vote:

AYES

Bradfield	Brockmeyer	Chrisman	Crews	Eitzen
Broadhead	Carleton	Cottey	Dysart	Gantt

Hale	Letcher	Ross	Switzler	Todd	
Hammond	McCabe	of Polk	Taylor	Wagner	
Hyer	Ray	Shields	of St. Louis	Mr. President	
Johnson	Rippey				25
of Cole					

NOES

Alexander	Fyan	Lay	McKillop	Rider	
Boone	Gottschalk	Mabrey	Mudd	Roberts	
Crockett	Halliburton	Maxey	Nickerson	Shackelford	
Edwards	Hardin	McAfee	Norton	Wallace	
of Iron	Holliday	McKee	Priest	Watkins	25
Farris					

ABSENT

281] Davis	Mortell	Ross	Rucker	Shanklin	6
Massey		of Morgan			

ABSENT WITH LEAVE

Adams	Dryden	Johnston	Pipkin	Taylor	
Allen	Edwards	of Nodaway	Pulitzer	of Jasper	12
Black	of St. Louis	Lackland	Spaunhorst		
Conway					

On motion of Mr. Hammond the Convention adjourned until tomorrow, at 9 o'clock a. m.

TUESDAY, JUNE 22, 1875

MORNING SESSION

The Convention met pursuant to adjournment, the President in the chair.

Prayer by the Rev. C. C. Woods.

The journal of yesterday was read and approved.

Mr. Switzler presented a memorial from Messrs. Norman J. Colman, John LaDue and Jas. S. Rollins, appointed as a committee by the Board of Curators of the University of the State of Missouri in relation to the interests of the State University, and recommended that there be set aside by the organic law of the State such competent endowment as shall place the University of the State upon a permanent substantial basis and afford it the means of progress and enlargement, which was read.

The Convention resumed the consideration of the report of the Committee on Judicial Deparment pending at adjournment.

Section eleven was read.

Mr. Johnson of Cole offered the following amendment to Section eleven:

Amend Section eleven by striking out all after the word "law" in the second line and insert the following: "shall be held on the first Monday in September of each year."

which was read and rejected.

Mr. Taylor of St. Louis offered the following substitute for Section eleven as reported by the Committee:

Strike out Section eleven and insert in lieu thereof the following: "The Supreme Court shall be held at Jefferson City and at St. Louis, at such times as may be prescribed by law."

which was read.

282] Mr. Roberts offered the following amendment to the substitute offered by Mr. Taylor of St. Louis:

Amend by inserting "St. Joseph" after the word "St. Louis."

which was read.

Mr. Hammond offered the following amendment to the amendment offered by Mr. Roberts:

Amend by adding after the word "St. Joseph" the word "Brunswick."

which was read.

Mr. Taylor of St. Louis, by unanimous consent of the Convention, withdrew his substitute for Section eleven.

Messrs. Roberts and Hammond, by unanimous consent of the Convention, withdrew their amendments.

The question recurring on the adoption of Section eleven, it was adopted.

Mr. Spaunhorst in the chair.

Section twelve was read and adopted.

Section thirteen was read.

Mr. Boone moved that Section thirteen be passed over informally, which was agreed to.

Section fourteen was read.

Mr. Gantt offered the following amendment to Section fourteen:

Section 14. Strike out all after "county" in line six and insert "Appeals shall be from the decisions of said St. Louis Court of Appeals to the Supreme Court and writs of error may issue from the Supreme Court to the said Court of Appeals in the following cases only: In all cases where the amount claimed, exclusive of costs, exceeds twenty-five hundred dollars; in cases involving the construction of the Constitution of the State or the revenue laws thereof, or the title to any office under the State; in cases involving the title to real estate; in cases where a county or other political subdivision of the State or any State officer is a party and in all cases of felony."

which was read and rejected.

Mr. Todd offered the following amendment to Section fourteen:

Amend Section fourteen by adding the following words: "any of which cases may be taken to the Supreme Court, by appeal, or writ of error, directly from the circuit court, when demanded by either party, within such time as shall be prescribed by law or rule of court."

283] which was read and rejected.

Mr. Shields offered the following amendment to Section fourteen:

Amend Section fourteen by striking out the word "claimed" in the eighth line and insert the word "dispute."

which was read and agreed to.

Mr. Dysart offered the following substitute for Section fourteen:

The State shall be divided into two judicial appellate districts, to be known as the "Northern" and "Southern" districts, in each of which three judges, residents therein, shall be elected by qualified electors thereof.

which was read and rejected.

On motion of Mr. Holliday, leave of absence was granted Mr. Farris.

On motion of Mr. Johnston of Nodaway, leave of absence was granted Mr. McKillop.

The question recurring on the adoption of Section fourteen as amended, and the ayes and noes being demanded by five members, the section as amended was adopted by the following vote:

AYES

Allen	Eitzen	Johnston	Priest	Shields	
Alexander	Fyan	of Nodaway	Ray	Spaunhorst	
Boone	Gantt	Lay	Rider	Switzler	
Bradfield	Gottschalk	Mabrey	Rippey	Taylor	
Broadhead	Hale	Massey	Roberts	of St. Louis	
Chrisman	Hammond	McAfee	Ross	Wagner	
Cottey	Hardin	McCabe	of Morgan	Wallace	
Crockett	Holliday	McKee	Ross	Watkins	
Davis	Hyer	Mudd	of Polk	Mr. President	
Edwards	Johnson	Nickerson	Shackelford		47
of Iron	of Cole	Norton	Shanklin		

NOES

Crews	Dysart	Halliburton	Letcher	Todd	5

ABSENT

Brockmeyer	Carleton	Maxey	Mortell	Rucker	5

ABSENT WITH LEAVE

Adams	Dryden	Farris	Pipkin	Taylor	
Black	Edwards	Lackland	Pulitzer	of Jasper	11
Conway	of St. Louis	McKillop			

On motion of Mr. Fyan the Convention adjourned until 2 o'clock p. m.

AFTERNOON SESSION

The Convention met pursuant to adjournment, the President in the chair.

The Convention resumed the consideration of the report of the Committee on Judicial Department.

Section fifteen was read.

Mr. Gantt offered the following substitute for Section fifteen:

284] Strike out Section fifteen and substitute therefor the following: "At the first general election after the adoption of this Constitution, three judges of said court shall be elected by the qualified voters of St. Louis county, who shall hold their office for twelve years from the first day of January next ensuing. If the office of any such judge shall become vacant by death, resignation or otherwise, the Governor shall appoint a suitable person, who shall hold his office until the first day of January

following the first general election after, and more than thirty days distant from the occurrence of such vacancy; and at such general election a judge shall be elected who shall hold his office for twelve years from the first day of January thereafter. These judges shall be residents of St. Louis county, shall possess the same qualifications as judge of the Supreme Court and shall receive the same compensation as is now or may be provided by law for the judges of the circuit court of St. Louis county and be paid from the same power."

which was read.

Mr. Mudd offered the following amendment to the substitute:

Amend the substitute by striking out the word "twelve" wherever it occurs and insert the word "eight."

which was read.

The ayes and noes being demanded by five members, the amendment was rejected by the following vote:

AYES

Allen	Davis	Hale	Johnston	Priest	
Alexander	Edwards	Halliburton	of Nodaway	Ray	
Boone	of St. Louis	Hardin	Mabrey	Rippey	
Carleton	Fyan	Johnson	Maxey	Roberts	
Crews	Gottschalk	of Cole	Mudd	Shields	
				Watkins	23

NOES

Adams	Edwards	McAfee	Ross	Switzler	
Bradfield	of Iron	McCabe	of Polk	Todd	
Broadhead	Eitzen	McKee	Rucker	Wagner	
Chrisman	Gantt	McKillop	Shackelford	Wallace	
Cottey	Hammond	Norton	Shanklin	Mr. President	
Dysart	Holliday	Rider	Spaunhorst		28
	Hyer				

ABSENT

Brockmeyer	Letcher	Mortell	Ross	Taylor	
Crockett	Massey	Nickerson	of Morgan	of St. Louis	9
Lay					

ABSENT WITH LEAVE

285] Black	Dryden	Lackland	Pulitzer	Taylor	
Conway	Farris	Pipkin		of Jasper	8

The question recurring on the adoption of the substitute offered by Mr. Gantt, it was rejected.

Mr. Mudd offered the following amendment to Section fifteen:

Amend Section fifteen by striking out the word "twelve" in line three and insert the word "six."

which was read and rejected.

The question recurring on the adoption of Section fifteen, it was adopted.

Section sixteen was read.

Mr. Todd offered the following amendment to Section sixteen:

Amend Section sixteen by striking out all the words after the word "quorum" in the second line and insert the following in lieu thereof: "and the judge holding the oldest license to practice law in this State shall be the presiding judge of said court."

which was read and rejected.

Mr. Johnson of Cole in the chair.

Mr. Broadhead offered the following amendment to Section sixteen:

Amend Section sixteen by adding the following: "There shall be two terms of said court to be held each year on the first Mondays of March and October, and the first term of said court shall be held on the first Monday of January, 1876."

which was read and agreed to.

Section sixteen as amended was then adopted.

Section seventeen was read.

Mr. Todd offered the following amendment to Section seventeen:

Amend Section seventeen by striking out all after the word "writing" in line one and insert the following: "and shall be filed in the cases in which they shall be respectively made and become parts of their record, and all laws relating to the practice in the Supreme Court shall apply to this court so far as the same may be applicable."

which was read.

Five members demanding the ayes and noes, the amendment was agreed to by the following vote:

AYES

286] Adams	Boone	Carleton	Crews	Dysart
Allen	Bradfield	Chrisman	Crockett	Edwards
Alexander	Broadhead	Cottey	Davis	of Iron

Edwards	Johnson	McKillop	Roberts	Switzler
of St. Louis	of Cole	Mortell	Ross	Taylor
Eitzen	Lay	Mudd	of Morgan	of St. Louis
Fyan	Mabrey	Nickerson	Ross	Todd
Gantt	Massey	Pipkin	of Polk	Wagner
Hale	Maxey	Priest	Shackelford	Wallace
Halliburton	McAfee	Ray	Shanklin	Watkins
Hammond	McCabe	Rider	Shields	Mr. President
Hardin	McKee	Rippey	Spaunhorst	54
Hyer				

NOES

Gottschalk	Johnston	
	of Nodaway	2

ABSENT

Brockmeyer	Holliday	Letcher	Norton	Rucker 5

ABSENT WITH LEAVE

Black	Farris	Lackland	Pulitzer	Taylor
Dryden				of Jasper 6

EXCUSED

Conway	1

Section seventeen as amended was then adopted.

Section eighteen was read.

Mr. Gottschalk offered the following amendment to Section eighteen:

Amend Section eighteen by striking out the words, "after the adoption of this Constitution," in lines one and two, and insert in lieu thereof the words, "in the year 1878."

which was read and agreed to.

Mr. Todd offered the following amendment to Section eighteen:

Amend Section eighteen by adding the following words: "The judge having the oldest license to practice law in this State shall be the presiding judge of said court."

which was read and agreed to.

Section eighteen as amended was then adopted.

Section nineteen was read.

Mr. Gottschalk offered the following amendment to Section nineteen:

Amend Section nineteen by striking out the word "seventy-seven" in line three and insert in lieu thereof the word "seventy-nine."

which was read and agreed to.

Section nineteen as amended was then adopted.

Section twenty was read and adopted.

Section twenty-one was read and adopted.

Section twenty-two was read and adopted.

Section twenty-three was read and adopted.

Mr. Shackelford moved to reconsider the vote by which Section sixteen was adopted, which was agreed to.

Section sixteen was then taken up.

Mr. Todd offered the following amendment to Section sixteen

287] Amend Section sixteen by striking out all after the word "quorum" in line two, down to and including the word "court" in line three.

which was read and agreed to.

Section sixteen as amended was then adopted.

Mr. Gantt offered the following as an additional section to the report of the Committee:

The Supreme Court of the State of Missouri and the St. Louis Court of Appeals shall have power by rule to prescribe the practice of their respective courts.

which was read.

Mr. Shanklin offered the following to the proposed section:

Amend the proposed section by striking out after the word "the" first occurring in the first line, the words, "Supreme Court of the State of Missouri, and the."

which was read and rejected.

The question recurring on the adoption of the proposed section offered by Mr. Gantt, and the ayes and noes being demanded by five members, the section was rejected by the following vote:

AYES

Gantt	Todd	2

NOES

Adams	Boone	Chrisman	Crews	Dysart
Allen	Bradfield	Conway	Crockett	Edwards
Alexander	Carleton	Cottey	Davis	of Iron

Edwards	Hyer	McKee	Rippey	Spaunhorst	
of St. Louis	Johnson	McKillop	Roberts	Switzler	
Eitzen	of Cole	Mortell	Ross	Taylor	
Fyan	Johnston	Norton	of Morgan	of St. Louis	
Gottschalk	of Nodaway	Pipkin	Ross	Wagner	
Hale	Mabrey	Priest	of Polk	Wallace	
Halliburton	Massey	Pulitzer	Shackelford	Watkins	
Hammond	McAfee	Ray	Shanklin	Mr. President	
Hardin	McCabe	Rider	Shields		53
Holliday					

ABSENT

Broadhead	Letcher	Mudd	Nickerson	Rucker	7
Brockmeyer	Maxey				

ABSENT WITH LEAVE

Black	Dryden	Farris	Lackland	Taylor	
				of Jasper	5

SICK

Lay	1

Mr. Shields offered the following as a new section to the report of the Committee:

288] The Supreme Court of the State shall designate what opinions delivered by the court or the judges thereof may be printed at the expense of the State; and the General Assembly shall make no provision for payment by the State for the publication of any case decided by said court not so designated.

which was read and adopted.

Mr. Shanklin offered the following as a new section to the report of the Committee:

All judicial decisions in this State shall be free for publication by any person.

which was read and adopted.

On motion of Mr. Holliday the Convention adjourned until tomorrow, at 9 o'clock a. m.

WEDNESDAY, JUNE 23, 1875

MORNING SESSION

The Convention met pursuant to adjournment, the President in the chair.

The journal of yesterday was read and approved.

The special order being the consideration of the report of the Committee on Representation, Representative and Senatorial Districts, it was taken up.

Mr. Hale moved to postpone the further consideration of the report until 9 o'clock and 30 minutes a. m., which was agreed to.

Mr. Hale then called up the resolution offered by Mr. Spaunhorst on the 18th inst. in relation to the adjournment of the Convention until January 5, 1876.

On motion of Mr. Watkins, leave of absence was granted Mr. Carleton.

Mr. Alexander moved to lay the resolution to adjourn on the table.

The ayes and noes being demanded by five members, the motion to lay on the table was adopted by the following vote:

AYES

289] Adams	Edwards	Johnson	Nickerson	Shackelford
Allen	of Iron	of Cole	Norton	Shanklin
Alexander	Fyan	Lay	Priest	Taylor
Boone	Gantt	Letcher	Ray	of St. Louis
Bradfield	Hale	Mabrey	Rider	Todd
Chrisman	Halliburton	Massey	Rippey	Wagner
Conway	Hammond	Maxey	Roberts	Wallace
Cottey	Hardin	McAfee	Ross	Mr. President
Crews	Holliday	McKee	of Polk	42
Crockett	Hyer			

NOES

Broadhead	Dysart	Gottschalk	Mudd	Shields
Brockmeyer	Edwards	Johnston	Pipkin	Spaunhorst
Davis	of St. Louis	of Nodaway	Pulitzer	Watkins 16
Dryden	Eitzen	McKillop		

ABSENT

Mortell	Rucker	2

ABSENT WITH LEAVE

Black	Farris	McCabe	Switzler	Taylor
Carleton	Lackland			of Jasper 7

EXCUSED

Ross of Morgan	1

On motion of Mr. Halliburton, leave of absence was granted Mr. Moore, the doorkeeper, on account of sickness.

The hour of 9 o'clock and 30 minutes having arrived, the Convention resumed the consideration of the report of the Committee on Representation, Representative and Senatorial Districts, districting the State for the election of State Senators.

Mr. Norton offered the following amendment to the report:

Amend by inserting the word "county" after the word "St. Louis" in the thirty-seventh line.

which was read and agreed to.

Mr. Fyan offered the following amendment to the report:

Amend by striking out "third" in the twenty-ninth line and inserting "sixth." Amend by striking out "sixth" in thirty-fourth line and inserting "third."

which was read and agreed to.

Mr. Norton offered the following amendment to the report:

Amend by adding the words "the counties of" after the word "district" in the thirty-sixth line.

which was read and agreed to.

Mr. Lay offered the following substitute for the report:

Section—. It shall be the duty of the General Assembly, in case there shall be a meeting of the same, at least eight months before the next general election in this State, to apportion the State into senatorial districts. If there shall be no such meeting of the General Assembly within the time aforesaid, or if it shall fail to district the State when it so meets, then it shall be the duty of the Governor, Secretary of State, and Attorney-General to divide this State into senatorial districts in 290] accordance with the provisions of this Constitution, such division to be made at least six months before the next general election in this State.

which was read and rejected.

Mr. Broadhead offered the following amendment to the report:

Amend the report by adding after the word "thirty-four" in line thirty-eight: "Which upon the adoption of this Constitution shall be established by the St. Louis Circuit Court, as provided by this article."

which was read and agreed to.

Mr. Crews offered the following amendment to the report:

Amend by striking out "Osage" from Twenty-second district and adding "Osage" to Twenty-fifth district.

which was read and agreed to.

Mr. Hyer offered the following amendment to the report:

Amend by striking out "Dent" county from the Twenty-fourth district and adding said county to the Twenty-second district.

which was read and agreed to.

Mr. Pipkin offered the following amendment:

Strike out "Perry" in line thirty and insert "Madison."

which was read and rejected.

Mr. Pipkin offered the following amendment:

Strike out "Perry" in line thirty and insert "Iron" in lieu thereof.

which was read and rejected.

The section on senatorial districts as amended was then adopted.

Section eleven of the report of the Committee was then rejected.

Section five, passed over informally, was taken up.

Mr. Gantt offered the following amendment to Section five:

Amend by striking out all after the word "election" in the seventh line and insert the following: "When any county shall be entitled to more than one Senator, the circuit court shall cause such county to be subdivided into districts of compact and contiguous territory and of population as nearly equal as may be, corresponding in number with the Senators to which such county may be entitled, and in each of these one Senator, who shall be a resident of such district, shall be elected by the qualified voters thereof."

291] which was read and agreed to.

Section five as amended was then adopted.

Mr. Spaunhorst offered the following as an additional section to the report of the Committee:

Section—. The General Assembly shall provide by law for decennial reapportionment of this State into senatorial districts on the

basis of the United States decennial census, or if such be not taken, or delayed, then on the basis of State census.

which was read and adopted.

On motion of Mr. Norton the report of the Committee on Representation, Representative and Senatorial Districts was referred to the Revising Committee with instructions to carefully revise and correct the same, and report it to the Convention at as early a day as practicable, printed and correctly engrossed for final adoption.

The report of the Committee on Judicial Department was then taken up.

Section twenty-four was read.

Mr. Johnston of Nodaway offered the following substitute for Section twenty-four:

If at any time hereafter there shall be upon the docket of the Supreme Court two hundred or more cases which shall have remained upon such docket for the period of eighteen months without being reached in regular order for determination, the General Assembly shall provide by law for the appointment by the Governor of three commissioners to be styled "Commissioners of Appeals," who shall possess all the qualifications of judges of the Supreme Court and when appointed as herein provided shall form a part of the Supreme Court for the determination of such cases so remaining on the docket undisposed of and shall sit with such court at its first session after such appointment, and such cases shall be assigned to such commissioners by such court for determination; *provided*, that the decisions of such Commissioners shall have the force and effect of decisions of the Supreme Court and be published with them, *and provided further*, that as soon as the cases so assigned to such Commissioners shall have been disposed of, the office of such Commissioners shall cease and determine.

which was read and rejected.

Mr. Todd moved that Section twenty-four and pending
292] amendment be laid over informally, which was not agreed to.

The question recurring on the adoption of Section twenty-four, it was rejected.

Section twenty-five was read and adopted.

Section twenty-six was read.

Mr. Gottschalk offered the following amendment to Section twenty-six:

Amend section twenty-six by striking out the words, "justice of the peace," and insert in lieu thereof the following: "Justices of the peace and all inferior tribunals."

which was read and agreed to.

Mr. Wallace offered the following amendment to Section twenty-six:

Amend by striking out the words, "criminal courts" in first line.

which was read and rejected.

Section twenty-six as amended was then adopted.

On motion of Mr. Halliburton the Convention adjourned until 2 o'clock p. m.

AFTERNOON SESSION

The Convention met pursuant to adjournment, the President in the chair.

The Convention resumed the consideration of the report of the Committee on Judicial Department.

Section twenty-seven was read.

Mr. Mudd in the chair.

Mr. Massey offered the following amendment to Section twenty-seven:

Amend Section twenty-seven by adding after the word "judge" in the third line, "and one circuit attorney," and by adding after the word "judge" in the fifth line, "and circuit attorney."

which was read and rejected.

Mr. Maxey gave notice that he would move to reconsider the vote by which the amendment was rejected and have his motion entered on the journal.

Mr. Halliburton offered the following amendment to Section twenty-seven:

Amend Section twenty-seven by inserting in the second line after the word "counties" the following words: "Not to exceed twenty in number."

which was read.

Mr. Shanklin offered the following amendment to the amendment:

293] Amend by inserting before the word "not" the following: "After the first day of January, 1881."

which was read and agreed to.

On motion of Mr. McAfee, Section twenty-seven and amendments was laid over informally.

The Chair laid before the Convention the following communication from the State Auditor in relation to the condition of the State finances, including the expenditures and receipts since January 1, 1875, which was read and on motion of Mr. Adams, was referred with the accompanying documents, to the Committee on Revenue and Taxation.

Mr. Rider moved that three hundred copies of the report be printed, which was not agreed to.

Section twenty-eight was read and adopted.

Section twenty-nine was read.

Mr. Maxey offered the following amendment to Section twenty-nine:

Amend Section twenty-nine by striking out the word "five" in the second line.

which was read and agreed to.

Section twenty-nine as amended was then adopted.

Section thirty was read.

Mr. Todd offered the following substitute for Section thirty:

Strike out Section thirty and insert in lieu thereof the following: "The circuit court of Saint Louis county shall be composed of five judges and such additional number as the General Assembly may from time to time provide, and each of said judges shall sit separately for the trial of causes and transaction of business. Said court shall hold at least three terms annually. Appeals shall be directly from any final decision or order made by said court and from the courts of record of St. Louis county having criminal jurisdiction only to the St. Louis Court of Appeals, and writs of error shall only issue from said Court of Appeals to said courts. The county of St. Louis shall furnish a room for said court and offices for its clerks and judges with appropriate furniture."

294] which was read.

On motion of Mr. Shields, Section thirty with the pending substitute was referred to the St. Louis Delegation with instructions to report tomorrow morning.

Section thirty-one was read and adopted.

Section thirty-two was read.

Mr. Maxey offered the following amendment to Section thirty-two:

Amend Section thirty-two by inserting after the word "circuit" in the fifth line the following: "And if the judge of any circuit be sick, absent or from any cause unable to hold any term of court, or be disqualified from trying any cause on any account, and be unable to have said term of court held by any judge of any other circuit, the attorney of said court may elect a judge to hold said court or to try any cause in which the judge is disqualified."

which was read and rejected.

Mr. Shanklin offered the following amendment to Section thirty-two:

Amend Section thirty-two by inserting after the word "court" in the fourth line the words, "or part of term."

which was read and agreed to.

Section thirty-two as amended was then adopted.

Section thirty-three was read.

Mr. Massey offered the following amendment to Section thirty-three:

Amend Section thirty-three by adding the following: "but the election herein provided for, judges of courts of record shall be held on a day separate from other elections."

which was read and agreed to.

Mr. Shanklin moved that Section thirty-three and amendment be laid over informally, which was not agreed to.

On motion of Mr. McKillop, leave of absence was granted Mr. Johnston of Nodaway.

The President in the chair.

Mr. Priest moved to reconsider the vote by which the amendment offered by Mr. Massey to Section thirty-three was adopted.

295] The ayes and noes being demanded by five mem-

bers, the motion to reconsider was agreed to by the following vote:

AYES

Adams	Dryden	Hardin	Nickerson	Shackelford
Allen	Dysart	Johnson	Norton	Shanklin
Alexander	Edwards	of Cole	Pipkin	Shields
Boone	of Iron	Lay	Priest	Spaunhorst
Bradfield	Edwards	Mabrey	Ray	Taylor
Broadhead	of St. Louis	Massey	Rider	of St. Louis
Chrisman	Eitzen	Maxey	Rippey	Wagner
Conway	Fyan	McAfee	Roberts	Wallace
Cottey	Hale	McKee	Ross	Watkins
Crews	Halliburton	McKillop	of Morgan	Mr. President
Crockett	Hammond	Mudd	Rucker	50
Davis				

NOES

Gantt	Holliday	Hyer	Pulitzer	4

ABSENT

Brockmeyer	Gottschalk	Letcher	Mortell	Todd 5

ABSENT WITH LEAVE

Black	Farris	Lackland	Ross	Taylor
Carleton	Johnston	McCabe	of Polk	of Jasper 9
	of Nodaway		Switzler	

The question then recurring on the adoption of the amendment and the ayes and noes being demanded by five members, the amendment was rejected by the following vote:

AYES

Gantt	Johnson	Lay	McAfee	Pulitzer
Holliday	of Cole	Massey	Priest	Spaunhorst 10
Hyer				

NOES

Adams	Crockett	Hale	Norton	Shanklin
Allen	Davis	Halliburton	Pipkin	Shields
Alexander	Dryden	Hammond	Ray	Taylor
Boone	Dysart	Hardin	Rider	of St. Louis
Bradfield	Edwards	Mabrey	Rippey	Wagner
Broadhead	of Iron	Maxey	Roberts	Wallace
Chrisman	Edwards	McKee	Ross	Watkins
Conway	of St. Louis	McKillop	of Polk	Mr. President
Cottey	Eitzen	Nickerson	Shackelford	42
Crews	Fyan			

ABSENT

Brockmeyer	Letcher	Mudd	Ross	Rucker	
Gottschalk	Mortell		of Morgan	Todd	8

ABSENT WITH LEAVE

Black	Johnston	Lackland	Switzler	Taylor	
Carleton	of Nodaway	McCabe		of Jasper	8
Farris					

On motion of Mr. Edwards of St. Louis, the Convention adjourned until tomorrow at 9 o'clock a. m.

296] **THURSDAY, JUNE 24, 1875**

MORNING SESSION

The Convention met pursuant to adjournment, the President in the chair.

Prayer by the Rev. Mr. Barrett.

The journal of yesterday was read and approved.

Mr. Brockmeyer from the Committee on Legislative Department submitted the following report:

Mr. President:

Your Committee on Legislative Department, to which was referred Article IV of the Constitution of the State of Missouri, beg leave to report that they have considered the same and recommend the adoption of the provisions herewith submitted in lieu thereof.

ARTICLE———

LEGISLATIVE DEPARTMENT

Section 1. The legislative power, subject to the limitations herein contained, shall be vested in a Senate and House of Representatives, to be styled the "General Assembly of the State of Missouri."

Section 2. The Senate shall consist of thirty-four members, for the election of whom the State shall be divided into thirty-four convenient districts, of equal population, as nearly as may be.

Section 3. No person shall be a Senator who shall not have attained the age of thirty years, who shall not be a male citizen of the United States, who shall not have been a qualified voter of the district which he may be elected to represent, for three years next before the day of his election, if such district shall have been so long established, but if not, then of the district from which the same shall have been taken, and who

shall have not paid a State and county tax during the two years preceding his election.

Section 4. The House of Representatives shall consist of members to be elected every second year by the qualified voters of the several counties, appointed in the following manner:

Section 5. No person shall be a member of the House of Representatives who shall have not attained the age of twenty-four years, who shall not be a male citizen of the United States, who shall not have been a qualified voter of the county or district which he may be elected to represent for two years next preceding his election, if such county or district shall have been so long established, but if not, then of the county or district from which the same shall have been taken and who shall have 297] not paid a State and county tax for the two years preceding his election.

Section 6. Senatorial and representative districts may be altered from time to time as public convenience may require. When any senatorial district shall be composed of two or more counties they shall be contiguous.

Section 7. The first election of Senators and Representatives under this Constitution shall be held at the general election in the year———— when the whole number of Senators and Representatives shall be elected.

Section 8. No Senator or Representative shall, during the term for which he shall have been elected, be appointed to any office under this State or any municipality thereof, and no member of Congress or person holding any lucrative office under the United States or this State or any municipality thereof (militia officers, justices of the peace and notaries public excepted) shall be eligible to either house of the General Assembly, or shall remain a member thereof after having accepted any such office or seat in either house of Congress.

Section 9. If any Senator or Representative remove his residence from the district or county for which he was elected, his office shall thereby be vacated.

Section 10. Writs of election to fill such vacancies as may occur in either house of the General Assembly shall be issued as provided in Section————of Article————.

Section 11. Every Senator and Representative-elect, before entering upon the duties of his office, shall take and subscribe the following oath or affirmation: "I do solemnly swear (or affirm) that I will support, obey and defend the Constitution of the United States and of the State of Missouri and faithfully perform the duties of my office; and that I will not, knowingly, receive, directly or indirectly, any money or other valuable thing, for the performance or non-performance of any act or duty pertaining to my office other than the compensation allowed by law." The oaths shall be administered in the halls of their respective houses, to the members thereof, by some judge of the Supreme Court, or the circuit court, or the county court of Cole county, and after the organization, by the presiding officer of either house and shall be filed in the office of the Secretary of the State. Any member of either house refusing to take said oath or affirmation shall be deemed to have thereby

vacated his office, and any member convicted of having violated his oath
298] or affirmation after taking the same shall be deemed guilty of perjury and be forever thereafter disqualified from holding any office of trust or profit in this State.

Section 12. The members of the General Assembly shall severally receive from the public treasury such compensation for their services as may, from time to time, be provided by law, not to exceed five dollars per day for the first——days of each session and after that not to exceed one dollar per day for the remainder of the session, except the first session held under this Constitution and during revising sessions when they may receive five dollars per day for one hundred and——days and one dollar per day for the remainder of such session. In addition to per diem the member shall be entitled to receive traveling expenses or mileage for any regular and extra session not greater than now provided by law. Committees of either house or joint committees of both houses appointed to examine the institutions of the State other than those at the seat of government, may receive their actual expenses necessarily incurred while in the performance of such duty; the items of such expenses to be returned to the chairman of such committee and by him certified to the State Auditor before the same or any part thereof can be paid. Each member may receive at each regular session an additional sum of fifty dollars, which shall be in full for stationery, postage, and all other incidental expenses and perquisites, and no allowance or emoluments for any purpose whatever shall be made to or received by the members or any member of either house, other than as herein expressly provided; and no allowance or emolument for any purpose whatever shall ever be paid to any officer, agent, servant, or employe of either house of the General Assembly, or of any committee thereof, except such per diem as may be provided for by law not to exceed five dollars.

Section 13. Each house shall appoint its own officers; shall be sole judge of the qualifications, election and returns of its own members; may determine the rules of its own proceedings, except as herein provided; may arrest and punish by fine not exceeding three hundred dollars, or imprisonment in a county jail not exceeding ten days, or both, any per-
299] son not a member who shall be guilty of disrespect to the house by any disorderly or contemptuous behavior in its presence during its sessions; may punish its members for disorderly conduct, and with the concurrence of two-thirds of all members elect, may expel a member; but no member shall be expelled a second time for the same cause.

Section 14. A majority of the whole number of members of each house shall constitute a quorum to do business; but a smaller number may adjourn from day to day, and may compel the attendance of absent members in such manner and under such penalties as each house may provide.

Section 15. The sessions of each house shall be held with open doors, except in cases which may require secrecy.

Section 16. The General Assembly elected in the year one thousand eight hundred and seventy——shall meet on the first Wednesday of January, one thousand eight hundred and seventy——; and thereafter

the General Assembly shall meet in regular session once only in every two years; and such meeting shall be on the first Wednesday of January.

Section 17. Every adjournment or recess taken by the General Assembly for more than three days shall have the effect of and be an adjournment *sine die*.

Section 18. Every adjournment and recess taken by the General Assembly for three days or less shall be construed as not interrupting the session at which they are had or taken, but as continuing the session for all the purposes mentioned in Section twelve of this article.

Section 19. Neither house shall without the consent of the other adjourn for more than two days at any one time, nor to any other place than that in which the two houses may be sitting.

ARTICLE———

LEGISLATIVE PROCEEDINGS

Section 1. The style of the laws of this State shall be:

"Be it enacted by the General Assembly of the State of Missouri, as follows:"

Section 2. No law shall be passed except by bill, and no bill shall be so amended, in its passage through either house, as to change its original purpose.

300] Section 3. Bills may originate in either house, and may be amended or rejected by the other; and every bill shall be read on three different days in each house.

Section 4. No bill (except general appropriation bills which may embrace the various subjects and accounts for and on account of which moneys are appropriated, and except bills passed under Section three of this article) passed, shall contain more than one subject, which shall be clearly expressed in its title.

Section 5. All amendments adopted by either house to a bill pending and originating in the same, shall be incorporated with the bill by engrossment, and the bill as thus engrossed, shall be printed for the use of the members before its final passage. The engrossing and printing shall be under the supervision of a committee, whose report to the house shall be set forth in writing, that they find the bill truly engrossed, and that the printed copy furnished to the members is correct.

Section 6. If a bill, passed by either house be returned thereto, amended by the other house, the house to which the same is returned shall cause the amendment or amendments so received to be printed under the same supervision, as provided in the next preceding section, for the use of the members before final action on such amendments.

Section 7. No bill shall be considered for final passage unless the same has been reported upon by a committee and printed for the use of the members.

Section 8. No bill shall become a law unless on its final passage the vote be taken by yeas and nays, the name of the members voting for and against the same be entered on the journal, and a majority of the members elected to each house be recorded thereon as voting in its favor.

Section 9. No amendment to bills by one house shall be concurred in by the other except by a vote of a majority of the members elected thereto, taken by yeas and nays, and the names of those voting for and against recorded upon the journal thereof; and reports of committees 301] of conference shall be adopted in either house only by the vote of a majority of the members elected thereto, taken by yeas and nays and the name of those voting recorded upon the journal.

Section 10. No act shall be received or re-enacted by mere reference to the title thereof, but the same shall be set forth at length as if it were an original act.

Section 11. No act shall be amended by providing that designated words thereof be stricken out, or that designated words be inserted, or that designated words be stricken out and others inserted in lieu thereof; but the words to be stricken out or the words to be inserted, or the words to be stricken out and inserted in lieu thereof, together with the act or section amended, shall be set forth in full as amended

Section 12. When a bill is put upon its final passage in either house, and failing to pass, a motion is made to reconsider the vote by which it was defeated, the vote upon such motion to reconsider shall be immediately taken and the subject finally disposed of before the house proceeds to any other business.

Section 13. No law passed by the General Assembly, except the general appropriation act, shall take effect or go into force until ninety days after the adjournment of the session at which it was enacted, unless in case of an emergency (which emergency must be expressed in the preamble or in the body of the act) the General Assembly shall by a vote of two-thirds of all the members elected to each house otherwise direct; said vote to be taken by yeas and nays and entered upon the journal.

Section 14. No bill shall become a law until the same shall have been signed by the presiding officer of each of the two houses in open session; and before such officer shall affix his signature to any bill, he shall suspend all other business, declare that such bill will now be read, and that, if no objections be made, he will sign the same to the end that it may become a law. The bill then shall be read at length, and if no objections be made he shall, in presence of the house, in open session, and before any other business is entertained, affix his signature, which fact shall be noted on the journal and the bill immediately sent to the other house. When 302] it reaches the other house the presiding officer thereof shall immediately suspend all other business, announce the reception of the bill, and the same proceeding shall thereupon be observed in every respect as in the house in which it was first signed. If in either house any member shall object that any substitution, omission, or insertion has occurred so that the bill proposed to be signed is not the same in substance and form as when considered and passed by the house, or that any particular clause of this article of the Constitution has been violated in its passage, such objection shall be passed upon by the house, and if sustained, the presiding officer shall withhold his signature; but if such objection shall not be sustained, then any two members may embody the same over their signatures in a written protest against the signing

of the bill. Said protest, when offered in the house, shall be noted upon the journal, and the original shall be annexed to the bill to be considered by the Governor in connection therewith. If such bill be signed by the Governor or passed, notwithstanding his objections thereto, it shall be the duty of the Supreme Court upon proceedings commenced at any time within ninety days thereafter, at the information of the protesting members, to inquire judicially into the truth of the facts alleged in such protest, and found true, the bill or act to which the protest relates shall be declared null and void, and the costs of the proceedings shall be adjudged against the State, but if not proved to the satisfaction of the court, the protest shall be declared a nullity and the costs may be adjudged against the State, or against the informants, as the court may believe to be just.

Section 15. When the bill has been signed, as provided for in the preceding section, it shall be the duty of the Secretary of the Senate, if the bill originated in the Senate, and of the Chief Clerk of the House of Representatives, if the bill originated in the House, to present the same in person on the same day on which it was signed as aforesaid to the Governor and enter the fact upon the journal. Every bill presented to the Governor and returned within ten days to the house in which the same **303**] originated, with the approval of the Governor, shall be a law in this State, unless it be a violation of some provision of this Constitution.

Section 16. Every bill presented as aforesaid but returned without the approval of the Governor and with his objections thereto shall stand as considered in the house to which it is returned. The house shall cause the objections of the Governor to be entered at large upon the journal and proceed, at its convenience, to consider the question pending, which shall be in this form: "Shall the bill pass, the objections of the Governor thereto notwithstanding?" The vote upon this question shall be taken by the yeas and nays and entered upon the journal and if two-thirds of all the members elected to the house vote in the affirmative, the presiding officer of the house shall certify to that fact upon the roll, attesting the same by his signature, and send the bill, with the objections of the Governor, to the other house in which like proceedings shall be had in relation thereto; and if the bill receive a like majority of all the members elected to that house, the vote being taken by yeas and nays, the presiding officer thereof shall, in like manner, certify the fact upon the bill. The bill thus certified shall be deposited in the office of the Secretary of State, as an authentic act and shall become a law in the same manner and with like effect as if it had received the approval of the Governor.

Section 17. When the Governor shall fail to perform his duty as prescribed in Section———Article———of this Constitution, in relation to any bill presented to him for his approval, the General Assembly may by joint resolution, reciting the fact of such failure and the bill at length, direct to the Secretary of State to enroll the same as an authentic act in the archives of the State, and such amendment shall have the same effect as an approval by the Governor: *Provided*, that such joint resolution shall not be submitted to the Governor for his approval.

Section 18. Each house shall from time to time publish a journal
304] of its proceedings and the yeas and nays on any question shall be taken and entered on the journal at the motion of any two members. Whenever the yeas and nays are demanded, the whole list of members shall be called and the names of the absentees shall be noted and published in the journal.

ARTICLE———

LIMITATION UPON LEGISLATIVE POWER

Section 1. All revenue collected and moneys received by the State from any source whatever shall go into the treasury, and the General Assembly shall have no power to direct the same or to permit money to be drawn from the treasury, except in pursuance of regular appropriations made by law. All appropriations of money by the successive General Assemblies shall be made in the following order:

First. For the payment of all interests upon the bonded debt of the State that may become due during the term of which each General Assembly is elected.

Second. For the benefit of the sinking fund which shall not be less annually than one per cent upon the bonded debt.

Third. For public school purposes not less than———per cent of the annual revenue collected.

Fourth. For the payment of the cost of assessing and collecting the revenue.

Fijth. For the payment of the civil list.

Sixth. For the eleemosynary institutions of the State.

Seventh. For the pay of the General Assembly and such other purposes not herein prohibited as it may deem necessary, but no General Assembly shall have power to make any appropriations of money for any purpose whatsoever until the respective sums necessary for the purpose in this section specified have been set apart and appropriated, or to give priority in its action to a succeeding over a preceding item as above enumerated.

Section 3. The General Assembly shall have no power to contract or to authorize a contracting of any debt or liability on behalf of the State, or to issue bonds or other evidences of indebtedness thereof, except
305] in the following cases:

First. In the renewal of existing bonds when they cannot be paid out of the sinking fund or other sources at maturity.

Second. On the occurring of an unforeseen emergency or casual deficiency of the revenue when the temporary liability incurred upon the recommendation of the Governor first had, shall not exceed the sum of two hundred and fifty thousand dollars for any one year to be paid in not more than two years from and after its creation.

Third. When the act providing for the loan or for the contracting of the liability and containing a provision for the levying of a tax sufficient to pay the interest and principal when they become due (the latter in not more than thirteen years from date of its creation) shall have been

submitted to the taxpayers of the State and by them ratified by a two-thirds majority at an election held for that purpose, due publication having been made of the provisions of the act for at least three months before such election, the act thus ratified shall be irrepealable until the debt thereby incurred shall be paid, principal and interest.

Section 4. The General Assembly shall have no power to give or to lend, or to authorize the giving or lending the credit of the State in aid of or to any person, association or corporation, whether municipal or other, or to pledge the credit of the State in any manner whatsoever, for the payment of the liabilities present or prospective, of any individual, association of individuals, municipal or other corporations whatsoever.

Section 5. The General Assembly shall have no power to make any grant or to authorize the making of any grant of public money or thing of value to any individual, association of individuals, municipal or other corporations whatsoever: *Provided*, that this shall not be construed as to prevent the maintenance of the eleemosynary institutions of the State or the granting of aid in case of a public calamity.

306] Section 6. The General Assembly shall have no power to authorize any county, city, town or township or other political corporation or subdivision of the State now existing, or that may be hereafter established, either to lend its credit or to grant public money or thing of value in aid of or to any individual, association or corporation whatsoever, nor to become a stockholder in such corporation, association or company.

Section 7. The General Assembly shall have no power to grant or to authorize the granting by any county or municipal authority of any extra compensation, fee or allowance to a public officer, agent, servant or contractor, after services have been rendered or a contract has been entered into and performed in whole or in part, nor pay nor authorize the payment of any claim hereafter created against the State, or any county or municipality of the State, under any agreement or contract made without express authority of the law; and all such unauthorized agreements or contracts shall be null and void.

Section 8. The General Assembly shall have no power hereafter to subscribe or authorize the subscription of stock on behalf of the State in any corporation or association, except for the purpose of securing loans heretofore extended to certain railroad corporations by the State.

Section 9. The General Assembly shall have no power to release or alienate the lien held by the State upon any railroad or in any wise change the tenor or meaning, or pass any act explanatory thereof, but the same shall be forced in accordance with the original terms upon which it was required.

Section 10. The General Assembly shall have no power to release or extinguish, or authorize the releasing or extinguishing, in whole or in part, the indebtedness, liability or obligation of any corporation or individual to this State or to any county or other municipal corporation therein.

Section 11. The General Assembly shall have no power to make any appropriation of money or to issue any bonds or other evidence of

indebtedness for the payment, or on account or in recognition of any
307] claim audited, or that may hereafter be audited, by virtue of an act entitled "An act to audit and adjust the war debt of the State," approved March 19, 1874, or any act of a similar nature, until after the claims so audited shall have been presented to and paid by the Government of the United States to the State of Missouri. The General Assembly shall not pass any local or special law authorizing the creation, extension or imposing of liens regulating the affairs of counties, cities, townships, wards or school districts; changing the names of persons and places; changing the venue in civil or criminal cases; authorizing the laying out, opening, altering, or maintaining roads, highways, streets or alleys; relating to ferries or bridges, or incorporating ferry or bridge companies except for the erection of bridges crossing streams which form boundaries between this and any other State; vacating roads, town plats, streets or alleys; relating to cemeteries, graveyards, public grounds not of the State; authorizing the adoption or legitimation of children; locating or changing county seats; incorporating cities, towns or villages, or changing their charters; for the opening and conducting of elections or fixing or changing the place of voting; granting divorces; erecting new townships or changing township lines, or the lines of school districts; creating offices or prescribing the powers and duties of officers in counties, cities, townships, election or school districts; changing the law of descent or succession; regulating the practice or jurisdiction of or changing the rules of evidence in any judicial proceeding or inquiry before courts, justices of the peace, sheriffs, commissioners, arbitrators or other tribunals, or providing or changing methods for the collection of debts, or the enforcing of judgments, prescribing the effect of judicial sales of real estate; regulating the fees, or extending the powers and duties of aldermen, justices of the peace, magistrates or constables; regulating the management of public schools, the building or repairing of school houses, and the raising of money for such purposes; fixing the rates of interest;
308] affecting the estates of minors or persons under disability, remitting fines, penalties, and forfeitures, or refunding moneys legally paid into the treasury; exempting property from taxation; regulating labor, trade, mining or manufacturing; creating corporations, or amending, renewing, extending or explaining the charter thereof; granting to any corporation, association or individual any special or exclusive rights, privilege or immunity, or to any corporation, association or individual the right to lay down a railroad track; declaring any named person of age; extending the time for the assessment or collection of taxes, or otherwise relieving any assessor or collector of taxes, from the due performance of their official duties, or their securities from liability; giving effect to informal or invalid wills or deeds; legalizing the unauthorized or invalid acts of any officer or agent of the State, or of any county or municipality thereof. In all other cases where a general law can be made applicable, no local or special law shall be enacted; and whether a general law could have been made applicable in any case is hereby declared to be a judicial question, and as such shall be judicially determined, without regard to any legislative determination thereof. Nor shall the General Assembly indirectly

enact such special or local law by the partial repeal of a general law; but laws repealing local or special acts may be passed.

Section 13. No local or special bill other than those provided for in the preceding section shall be passed unless notice of the intention to apply therefor shall have been published in the locality where the matter or thing to be effected may be situated, which notice shall be at least thirty days prior to the introduction into the General Assembly of such bill, and in the manner to be provided by law, the evidence of such notice having been published, shall be exhibited in the General Assembly, before such act shall be passed.

Section 14. The General Assembly shall have no power, when convened in extra session by the Governor, to act upon subjects other than **309**] those specially designated in the proclamation by which the session is called.

Section 15. The General Assembly shall have no power to remove the seat of government of this State from the city of Jefferson.

Henry C. Brockmeyer, *Chairman.*

which was read and on motion of Mr. Mudd laid over informally and three hundred copies ordered printed.

Section thirty-three of the report of the Committee on Judicial Department pending at adjournment on yesterday was then read and adopted.

Section thirty-four was read.

Mr. Nickerson offered the following substitute for Section thirty-four:

Strike out Section thirty-four and substitute the following in lieu thereof: "In counties having a population exceeding forty thousand, the General Assembly may establish separate courts for the trial of criminal cases only. Three or more counties each having a population exceeding fifteen thousand may be formed into a circuit, in which separate criminal courts may be established, and if not so established the circuit courts may be required to hold separate terms for criminal business."

which was read.

On motion of Mr. Adams, Section thirty-four was passed over informally and the consideration of Section one of the report with pending substitute offered by Mr. Dysart was resumed.

Mr. Adams offered the following amendment to Section one:

Amend Section one by adding after the words "Supreme Court" in the second line the words, "in the St. Louis Court of Appeals," add the word "and" after the words "county courts" in the third line, and

strike out the balance of the section after the word "courts" in the fourth line.

which was read and agreed to.

The question recurring upon the adoption of the substitute offered by Mr. Dysart for Section one, it was rejected.

The question recurring upon the adoption of Section one as amended, it was adopted.

The consideration of Section five with amendment of-
310] fered by Mr. Roberts and the substitute offered by Mr. Ross of Polk was then resumed.

Mr. Ross of Polk offered the following amendment to the substitute:

Amend the substitute by inserting after the words "three judges" the following: "but the number of judges may be increased by the General Assembly to a number not exceeding five when it shall be deemed necessary."

which was read.

On motion of Mr. Crews, leave of absence was granted Mr. Letcher.

On motion of Mr. Spaunhorst, leave of absence was granted Mr. Taylor of Jasper.

The question being upon the adoption of the amendment to Section five, offered by Mr. Roberts, Mr. Norton called for a division of the question.

The question being upon the motion to strike out, and the ayes and noes being demanded by five members, the motion to strike out was agreed to by the following vote:

AYES

Allen	Davis	Hardin	McKillop	Rucker	
Alexander	Dysart	Holliday	Pipkin	Shields	
Boone	Edwards	Hyer	Priest	Spaunhorst	
Bradfield	of Iron	Mabrey	Rider	Todd	
Broadhead	Edwards	Massey	Rippey	Wagner	
Conway	of St. Louis	Maxey	Roberts	Wallace	31
Crews	Gantt	McKee			

NOES

Adams	Cottey	Eitzen	Halliburton	Johnson
Black	Crockett	Fyan	Hammond	of Cole
Chrisman	Dryden	Hale		Lay

McAfee	Nickerson	Ray	Ross	Shanklin	
Mudd	Norton	Ross of Morgan	of Polk Shackelford	Watkins Mr. President	24

ABSENT

Brockmeyer	Gottschalk	Lackland	Mortell	Pulitzer	5

ABSENT WITH LEAVE

Carleton	Johnston	McCabe	Taylor	Taylor	
Farris	of Nodaway Letcher	Switzler	of Jasper	of St. Louis	8

The question being upon the motion to insert it was agreed to.

Mr. Boone offered the following amendment to Section five:

Amend Section five by striking out the word "five" and inserting in lieu thereof the word "three" and by striking out the word "three" and inserting in lieu thereof the word "two."

311] The ayes and noes being demanded by five members, the amendment was rejected by the following vote:

AYES

Boone	Edwards	Mabrey	Ray	Shields	
Bradfield	of Iron	Maxey	Rider	Wagner	
Crockett	Fyan	Mudd	Rippey	Watkins	
Davis	Gantt	Pipkin	Ross	Mr. President	
Dysart	Halliburton	Priest	of Polk		24
	Hyer	Pulitzer			

NOES

Adams	Cottey	Hammond	Massey	Ross	
Allen	Crews	Hardin	McAfee	of Morgan	
Alexander	Dryden	Holliday	McKee	Shackelford	
Black	Edwards	Johnson	McKillop	Shanklin	
Broadhead	of St. Louis	of Cole	Nickerson	Spaunhorst	
Chrisman	Eitzen	Lackland	Norton	Todd	
Conway	Hale	Lay	Roberts	Wallace	32

ABSENT

Brockmeyer	Gottschalk	Mortell	Rucker	4

ABSENT WITH LEAVE

Carleton	Johnston	McCabe	Taylor	Taylor	
Farris	of Nodaway Letcher	Switzler	of Jasper	of St. Louis	8

The question recurring upon the adoption of the amendment offered by Mr. Ross of Polk to the substitute for Section five, it was rejected.

The question recurring upon the adoption of the substitute, it was rejected.

Mr. Crews offered the following amendment to Section five:

Amend Section five by adding the following: "and they shall be paid a salary to be fixed by law, which shall be larger than the salary of any other judicial officer of the State and which shall not be diminished by taxation or otherwise during their continuance in office."

which was read and rejected.

The question recurring upon the adoption of Section five as amended, it was adopted.

Section six was then read and adopted.

Section seven was read.

Mr. Hardin offered the following amendment to Section seven:

Amend Section seven by striking out all after the word "court" in line one to the word "shall" in line three and by striking out the word "also" in line three.

which was read and agreed to.

Mr. Shanklin offered the following amendment to Section seven:

312] Amend Section seven by striking out "thirty-five" in the fourth line and insert "thirty" in lieu thereof.

which was read and agreed to.

Mr. Todd offered the following amendment to Section seven as amended:

Amend Section seven by adding the words, "and not exceeding seventy years of age and shall not continue in office after the age of seventy years."

which was read and agreed to.

Mr. Conway offered the following amendment to Section seven as amended:

Amend by striking out the word "such" in line five and inserting in lieu thereof the word "their."

which was read and agreed to.

The question being upon the adoption of Section seven as amended, and the ayes and noes being demanded by five members, the section as amended was rejected by the following vote:

AYES

Bradfield	Davis	Maxey	Priest	Shanklin	
Chrisman	Eitzen	Mudd	Rider	Todd	
Cottey	Hale	Pipkin	Shackelford	Wagner	17
Crockett	Halliburton				

NOES

Adams	Dysart	Holliday	McKee	Ross	
Allen	Edwards	Hyer	McKillop	of Polk	
Alexander	of Iron	Johnson	Nickerson	Shields	
Black	Edwards	of Cole	Norton	Spaunhorst	
Boone	of St. Louis	Lackland	Pulitzer	Wallace	
Broadhead	Fyan	Lay	Rippey	Watkins	
Conway	Gantt	Mabrey	Roberts	Mr. President	
Crews	Hammond	Massey	Ross		38
Dryden	Hardin	McAfee	of Morgan		

ABSENT

Brockmeyer	Gottschalk	Mortell	Ray	Rucker	5

ABSENT WITH LEAVE

Carleton	Johnston	McCabe	Taylor	Taylor	
Farris	of Nodaway	Switzler	of Jasper	of St. Louis	8
	Letcher				

Mr. Shields offered the following as a new section in lieu of Section seven:

Amend the report by adding the following as a new section to take the place of Section seven: "The Supreme Judges of the Supreme Court hereafter elected or appointed shall be citizens of the United States, not less than thirty nor more than seventy years old, and shall have been 313] citizens of this State for five years next preceding their election or appointment and shall be learned in the law; and no judge hereafter elected or appointed shall continue in office after the reaching the age of seventy years."

which was read.

Mr. Lackland offered the following as a substitute for the proposed new section:

Section 7. The judges of the Supreme Court shall be citizens of the United States, not less than thirty years old and shall have been citizens

of this State for five years next preceding their election or appointment, and shall be learned in the law.

which was read.

Mr. Mudd offered the following amendment to the proposed new section offered by Mr. Shields:

Amend by inserting after the word "seventy" wherever it occurs the word "five."

which was read and rejected.

Mr. Spaunhorst offered the following amendment to the proposed new section offered by Mr. Shields:

Amend the proposed new section, by striking out all after the word "law."

which was read and rejected.

The question recurring upon the adoption of the substitute offered by Mr. Lackland, and the ayes and noes being demanded by five members, the substitute was agreed to by the following vote:

AYES

Adams	Dryden	Gantt	McAfee	Ross	
Black	Dysart	Hammond	McKee	of Morgan	
Broadhead	Edwards	Hardin	Nickerson	Ross	
Chrisman	of Iron	Hyer	Norton	of Polk	
Cottey	Edwards	Lackland	Pulitzer	Spaunhorst	
Crews	of St. Louis	Mabrey	Rippey	Watkins	30
Davis	Fyan	Massey	Roberts		

NOES

Allen	Eitzen	Lay	Rider	Wagner	
Alexander	Hale	Maxey	Shackelford	Wallace	
Boone	Halliburton	McKillop	Shanklin	Mr. President	
Bradfield	Johnson	Mudd	Shields		
Conway	of Cole	Pipkin	Todd		
Crockett		Priest			24

ABSENT

Brockmeyer	Holliday	Mortell	Ray	Rucker	6
Gottschalk					

ABSENT WITH LEAVE

Carleton	Johnston	McCabe	Taylor	Taylor	
Farris	of Nodaway	Switzler	of Jasper	of St. Louis	8
	Letcher				

314] The question recurring upon the adoption of the proposed new section, as amended by the substitute offered by Mr. Lackland, it was adopted.

On motion of Mr. Spaunhorst the Convention adjourned until 2 o'clock p. m.

AFTERNOON SESSION

The Convention met pursuant to adjournment, the President in the chair.

The Convention resumed the consideration of the report of the Committee on Judicial Department.

Mr. Pipkin offered the following as a new section to the report:

Section—. No person shall be eligible to be elected or appointed judge of the Supreme Court, the St. Louis Court of Appeals or any circuit court after he has attained the age of seventy years.

which was read.

Mr. Holliday offered the following amendment to the proposed new section:

Amend the proposed section by striking out the word "twenty" and insert the word "seventy-five" in lieu thereof.

which was read.

Mr. Spaunhorst offered the following amendment to the amendment:

Amend the amendment by inserting "sixty-five" in place of "seventy-five."

which was read and rejected.

The question recurring on the adoption of the amendment offered by Mr. Holliday, it was rejected.

On motion of Mr. Nickerson, leave of absence was granted Mr. Lay.

The question then recurring on the adoption of the proposed new section, and the ayes and noes being demanded by five members, the proposed section was rejected by the following vote:

AYES

315] Allen	Edwards	Johnson	Priest	Todd
Alexander	of Iron	of Cole	Ross	Wagner
Boone	Eitzen	McKillop	of Polk	Wallace
Conway	Hale	Mudd	Shackelford	Mr. President
Crockett	Halliburton	Nickerson	Shanklin	23
		Pipkin	Shields	

NOES

Adams	Cottey	Edwards	Hyer	Norton
Black	Crews	of St. Louis	Lackland	Rippey
Bradfield	Davis	Fyan	Mabrey	Ross
Broadhead	Dryden	Gantt	Massey	of Morgan
Brockmeyer	Dysart	Hammond	McAfee	Spaunhorst
Chrisman		Holliday	McKee	Watkins 27

ABSENT

Gottschalk	Maxey	Pulitzer	Rider	Rucker 9
Hardin	Mortell	Ray	Roberts	

ABSENT WITH LEAVE

Carleton	Johnston	Letcher	Taylor	Taylor
Farris	of Nodaway	McCabe	of Jasper	of St. Louis
	Lay	Switzler		9

Mr. McAfee moved to reconsider the vote by which the proposed section was rejected and to lay his motion to reconsider on the table, which was agreed to.

Section eight was read and adopted.

Section nine was read.

Mr. Norton offered the following amendment to Section nine:

Amend Section nine by striking out the words, "in the first district," in the third line and all after the word "elected" in the fourth line.

which was read and agreed to.

Section nine as amended was then adopted.

Mr. Boone called up his motion to reconsider the vote by which Section————was rejected. The motion to reconsider was agreed to.

Mr. Boone offered the following substitute for Section ten of the report:

No writ of error or appeal shall lie to the Supreme Court in any civil case for the recovery of money only, or personal property, or dam-

ages for injury thereto, unless the money or damages, or value of the property claimed, exclusive of costs shall exceed one hundred dollars; except upon the presentation of a copy of the record, the Supreme Court shall allow the same.

which was read.

The ayes and noes being demanded by five members, the substitute was rejected by the following vote:

AYES

316] Alexander	Dysart	Lay	*Rippey	Wagner
Boone	Hale	Massey	Rucker	Watkins
Bradfield	Hammond	Nickerson	Shields	Mr. President
Brockmeyer	Hyer	Pipkin	Spaunhorst	24
Conway	Johnson	Priest	Todd	
Cottey	of Cole			

NOES

Adams	Dryden	Halliburton	McKee	Ross	
Allen	Edwards	Hardin	McKillop	of Morgan	
Black	of Iron	Holliday	Mudd	Ross	
Broadhead	Edwards	Lackland	Norton	of Polk	
Chrisman	of St. Louis	Mabrey	Ray	Shackelford	
Crews	Eitzen	Maxey	Rider	Shanklin	
Crockett	Fyan	McAfee	Roberts	Wallace	33
Davis	Gantt				

ABSENT

Gottschalk	Mortell	Pulitzer	3

ABSENT WITH LEAVE

Carleton	Johnston	McCabe	Taylor	Taylor	
Farris	of Nodaway	Switzler	of Jasper	of St. Louis	8
	Letcher				

Mr. Conway offered the following amendment to Section ten:

Amend by inserting in line two after the word "court" the words, "or the St. Louis Court of Appeals."

which was read and rejected.

The question recurring on the adoption of Section ten, and the ayes and noes being demanded by five members, the section was rejected by the following vote:

AYES

Adams	Hale	Massey	Ross	Wagner
Conway	Hammond	Priest	of Polk	Mr. President
Cottey	Johnson	Ray	Shields	17
Dysart	of Cole	Rippey	Todd	
Gantt				

NOES

Allen	Crockett	Halliburton	McKee	Ross
Alexander	Davis	Hardin	McKillop	of Morgan
Black	Dryden	Holliday	Mudd	Rucker
Boone	Edwards	Hyer	Nickerson	Shackelford
Bradfield	of Iron	Lackland	Norton	Shanklin
Broadhead	Edwards	Lay	Pipkin	Spaunhorst
Brockmeyer	of St. Louis	Mabrey	Rider	Wallace
Chrisman	Eitzen	Maxey	Roberts	Watkins 40
Crews	Fyan	McAfee		

ABSENT

Mortell	Gottschalk	Pulitzer	3

ABSENT WITH LEAVE

Carleton	Johnston	McCabe	Taylor	Taylor	
Farris	of Nodaway	Switzler	of Jasper	of St. Louis	8
	Letcher				

317] Section thirteen was read and adopted.

Mr. Crews moved to reconsider the vote by which Section eighteen was adopted, which was agreed to.

Mr. Broadhead moved to reconsider the vote by which the amendment offered by Mr. Gottschalk to Section eighteen was adopted, which was agreed to.

On motion of Mr. Broadhead, Section eighteen and the amendment was laid over informally.

Mr. Dryden gave notice that he would move to reconsider the vote by which Sections fourteen, fifteen, sixteen and seventeen of the report were adopted and to have this motion entered on the journal.

Section twenty-seven with pending amendments, passed over informally on yesterday, was taken up.

Mr. Shanklin offered the following substitute for Section twenty-seven and pending amendments:

The State, except as otherwise provided in this Constitution, shall be divided into convenient circuits of contiguous counties, in each of which circuits one circuit judge shall be elected after the first day of January, eighteen hundred and eighty-one. Such circuits shall not exceed twenty in number, and such circuits as now or hereafter constituted may be changed, enlarged, diminished or abolished, from time to time as the public service may require, and whenever a circuit shall be abolished the office of judge of such circuit shall cease.

which was read.

Mr. Hardin offered the following amendment to the substitute:

Amend by adding the following: "The circuit judges now in office shall hold their offices until the expiration of their respective terms."

which was read.

On motion of Mr. Spaunhorst the Convention adjourned until tomorrow morning at 9 o'clock a. m.

318] **FRIDAY, JUNE 25, 1875**

MORNING SESSION

The Convention met pursuant to adjournment, the President in the chair.

Prayer by the Rev. A. H. Parker.

The journal of yesterday was read and approved.

Mr. Pipkin offered the following resolution:

Resolved, That a committee of three members be appointed to examine the Senate Chamber and report to the Convention whether the same can be used for the sessions of this body.

which was read and adopted.

On motion of Mr. Chrisman, leave of absence was granted Mr. Shackelford.

On motion of Mr. Davis, leave of absence was granted Mr. Shields.

On motion of Mr. Shanklin, leave of absence was granted Mr. Rucker.

The Convention resumed the consideration of Section twenty-seven of the report of the Committee on Judicial Department and amendments pending at adjournment.

The question recurring on agreeing to the amendment offered by Mr. Halliburton as amended, it was rejected.

Mr. Hardin offered the following amendment to Section twenty-seven:

Amend Section twenty-seven by adding, "*provided*, the circuit judges now in office shall hold their offices until the expiration of their respective terms."

which was read.

Mr. Cottey moved the previous question. The ayes and noes being demanded by five members, the Convention refused to order the previous question by the following vote:

AYES

Adams	Brockmeyer	Edwards	Maxey	Pulitzer	
Allen	Chrisman	of St. Louis	McAfee	Ray	
Alexander	Cottey	Eitzen	McKillop	Rippey	
Black	Dysart	Gantt	Nickerson	Roberts	
Boone	Edwards	Hale	Norton	Wagner	
Broadhead	of Iron	Holliday	Priest	Watkins	29
		Hyer			

NOES

Bradfield	Fyan	Lackland	Pipkin	Shanklin	
Conway	Halliburton	Lay	Rider	Spaunhorst	
Crews	Hammond	Mabrey	Ross	Todd	
Crockett	Hardin	Massey	of Morgan	Wallace	
Davis	Johnson	McKee	Ross	Mr. President	
Dryden	of Cole	Mudd	of Polk		26

ABSENT

Gottschalk	Mortell	2

ABSENT WITH LEAVE

319] Carleton	Letcher	Shackelford	Taylor	Taylor	
Farris	McCabe	Shields	of Jasper	of St. Louis	
Johnston	Rucker	Switzler			11
of Nodaway					

Mr. Ross moved to reconsider the vote by which the Convention refused to order the previous question, which was agreed to.

Mr. Cottey then withdrew his motion for the previous question.

The question recurring on agreeing to the amendment offered by Mr. Hardin to Section twenty-seven, and the ayes and noes being demanded by five members, the amendment was rejected by the following vote:

AYES

Allen	Edwards	Johnson	McAfee	Wallace	
Bradfield	of St. Louis	of Cole	McKee	Watkins	
Broadhead	Eitzen	Lay	Mudd	Mr. President	
Crews	Hardin	Massey	Rider		19
Crockett	Hyer				

NOES

Adams	Davis	Hammond	Norton	Ross	
Alexander	Dryden	Holliday	Pipkin	of Morgan	
Black	Dysart	Lackland	Priest	Ross	
Boone	Edwards	Mabrey	Pulitzer	of Polk	
Brockmeyer	of Iron	Maxey	Ray	Shanklin	
Chrisman	Gantt	McKillop	Rippey	Spaunhorst	
Conway	Hale	Nickerson	Roberts	Todd	
Cottey	Halliburton			Wagner	35

ABSENT

Gottschalk	Mudd	2

ABSENT WITH LEAVE

Carleton	Letcher	Shackelford	Taylor	Taylor	
Farris	McCabe	Shields	of Jasper	of St. Louis	11
Johnston	Rucker	Switzler			
of Nodaway					

EXCUSED

Fyan	1

Mr. Todd offered the following amendment to Section twenty-seven:

Amend by inserting after the words "shall be elected" in line three, these words: "But no circuit shall be established, the circuit court business of which shall not be enough to occupy the time and services of the judge for at least seven months, on the average, annually as nearly as the same may be reasonably ascertained. Towards ascertaining this, the judge of every circuit court shall report to the General Assembly, at each session thereof, the number of days of the holding of his court, since the next preceding session of the Assembly."

which was read and rejected.

Mr. Johnson of Cole offered the following amendment to Section twenty-seven:

Amend Section twenty-seven by striking out all after the word "required" in the fourth line.

320] which was read and rejected.

The question recurring on agreeing to the amendment offered by Mr. Hardin to the pending substitute, it was rejected.

Mr. Maxey offered the following amendment to the substitute:

Strike out all after "election" in the sixth line and add the following: "the Legislature shall before the general election in 1880, divide the State in not more than twenty judicial circuits and the circuits as are now and hereafter may be constituted may be altered, diminished or abolished, and when so abolished the office of judge of said circuit shall cease."

which was read and rejected.

Mr. Hale rose to a point of order.

The question recurring on the adoption of the substitute, and the ayes and noes being demanded by five members, the substitute was rejected by the following vote:

AYES

Bradfield	Eitzen	McAfee	Priest	Todd
Conway	Halliburton	McKee	Rider	Wagner
Crockett	Hyer	Mudd	Rippey	Mr. President
Davis	Maxey	Pipkin	Shanklin	19

NOES

Adams	Cottey	Gantt	Mabrey	Ross	
Allen	Crews	Hale	Massey	of Morgan	
Alexander	Dryden	Hammond	McKillop	Ross	
Black	Dysart	Hardin	Nickerson	of Polk	
Boone	Edwards	Holliday	Norton	Spaunhorst	
Broadhead	of Iron	Johnson	Ray	Wallace	
Brockmeyer	Edwards	of Cole	Roberts	Watkins	33
Chrisman	of St. Louis	Lackland			

ABSENT

Gottschalk	Lay	Mortell	Pulitzer	4

ABSENT WITH LEAVE

Carleton	Letcher	Rucker	Switzler	Taylor
Farris	McCabe	Shackelford	Taylor	of St. Louis
Johnston		Shields	of Jasper	
of Nodaway				11

EXCUSED

Fyan 1

Mr. Pipkin offered the following substitute for Section twenty-seven:

At the session of the General Assembly held next before the general election in the year 1880 the State, except as otherwise provided in this Constitution, shall be divided into convenient circuits of contiguous counties not to exceed twenty in number. Such circuits may be changed, enlarged, diminished or abolished from time to time as public convenience may require and whenever a circuit shall be abolished the office of judge of such circuit shall cease.

which was read.

321] The ayes and noes being demanded by five members, the substitute was rejected by the following vote:

AYES

Bradfield	Eitzen	Massey	Pipkin	Shanklin
Crews	Halliburton	Maxey	Priest	Wagner
Crockett	Hardin	McAfee	Rider	Mr. President
Edwards	Hyer	McKee	Rippey	21
of Iron	Lay	Mudd		

NOES

Adams	Chrisman	Gantt	Mabrey	Ross
Allen	Conway	Hale	McKillop	of Morgan
Alexander	Cottey	Hammond	Nickerson	Ross
Black	Davis	Holliday	Norton	of Polk
Boone	Dryden	Johnson	Ray	Spaunhorst
Broadhead	Dysart	of Cole	Roberts	Wallace
Brockmeyer	Edwards	Lackland		Watkins 31
	of St. Louis			

ABSENT

Gottschalk	Mortell	Pulitzer	Todd	4

ABSENT WITH LEAVE

Carleton	Letcher	Shackelford	Taylor	Taylor
Farris	McCabe	Shields	of St. Louis	of Jasper 11
Johnston	Rucker	Switzler		
of Nodaway				

EXCUSED

Fyan 1

Mr. Wagner offered the following substitute for Section twenty-seven:

Strike out Section twenty-seven and insert the following: "The State, exclusive of the county of St. Louis and other counties having a population of one hundred thousand inhabitants, shall be divided into judicial circuits prior to the time of the expiration of the terms of office of the present judges of the circuit court. Each circuit shall be formed of contiguous counties, in as nearly compact form and as nearly equal as circumstances will permit, having due regard to business territory and population, and shall not exceed in number one circuit for every 100,000 of population in the State. One judge shall be elected for each of said circuits by the elections thereof. New circuits may be formed and the boundaries of circuits changed by the General Assembly, at its session next preceding the election for circuit judges but at no other time: *Provided*, that the circuits may be equalized and changed at the first session of the General Assembly after the adoption of this Constitution. The creation, alteration or change of any circuit shall not affect the terms of office of any judge. Whenever the business of the circuit court of any one or of two or more contiguous counties containing a **322**] population exceeding 50,000 shall occupy nine monthsof the year, the General Assembly may make of such county or counties a separate circuit. Whenever additional circuits are created, the foregoing limitation shall be observed."

which was read.

The ayes and noes being demanded by five members, the substitute was rejected by the following vote:

AYES

Crews	Hardin	McKee	Pipkin	Rippey	
Eitzen	Hyer	McKillop	Priest	Wagner	13
Halliburton	McAfee	Mudd			

NOES

Adams	Conway	Gantt	Mortell	Ross	
Allen	Cottey	Hale	Nickerson	of Polk	
Alexander	Crockett	Hammond	Norton	Shanklin	
Black	Davis	Holliday	Pulitzer	Spaunhorst	
Boone	Dryden	Lackland	Ray	Wallace	
Bradfield	Dysart	Lay	Rider	Watkins	
Broadhead	Edwards	Mabrey	Roberts	Mr. President	
Brockmeyer	of Iron	Massey	Ross		40
Chrisman	Edwards	Maxey	of Morgan		
	of St. Louis				

ABSENT

Gottschalk	Johnson	Todd	3
	of Cole		

ABSENT WITH LEAVE

Carleton	Letcher	Shackelford	Taylor	Taylor
Farris	McCabe	Shields	of Jasper	of St. Louis
Johnston of Nodaway	Rucker	Switzler		11

EXCUSED

Fyan 1

The question recurring on the adoption of Section twenty-seven, it was adopted.

Mr. Broadhead, chairman of the St. Louis Delegation, to which was referred Section thirty and pending substitute offered by Mr. Todd, submitted the following substitute for Section thirty:

Amend Section thirty by substitute as follows:

Section 30. "The circuit court of St. Louis county shall be composed of five judges and such additional number as the General Assembly may from time to time provide; each of said judges shall sit separately for the trial of causes and the transaction of business in special term. The judges of said circuit court may sit in general term for the purpose of making rules of court and for the transaction of such other business as may be provided by law, at such times as they may determine, but shall have no power to review any order, decision or proceeding of the court in special term.

323] "The St. Louis Court of Appeals shall have exclusive jurisdiction of all appeals and writs of error from and to the final decision of the St. Louis circuit court in special term and of all courts of record having criminal jurisdiction in the county of St. Louis."

which was read and adopted.

Section thirty as amended by the substitute was then adopted.

Section thirty-four and pending substitute offered by Mr. Nickerson, passed over informally, was taken up.

Mr. Wallace offered the following amendment to the substitute:

Amend by inserting the word "contiguous" before the word "counties" in the sixth line.

which was read and agreed to.

Mr. Holliday offered the following amendment to the substitute:

Amend the substitute by striking out the words "fifteen thousand" when they occur and insert the words "twenty-five thousand" in lieu

thereof. Also strike out the words "three counties" and insert the words "five counties" in lieu thereof wherever they occur in the substitute.

which was read.

Mr. Nickerson, by unanimous consent of the Convention, withdrew his substitute.

Mr. McAfee offered the following substitute for Section thirty-four:

The General Assembly shall have no power to establish criminal courts in counties having a population exceeding fifty thousand, but may require separate terms of the circuit court to be held in all counties having a population exceeding fifteen thousand, for the trial of criminal cases.

which was read.

Mr. Rider offered the following amendment to the substitute:

Amend the substitute by inserting "twenty thousand" in lieu of "fifteen thousand."

which was read.

Mr. Norton moved to lay Section thirty and pending amendments on the table.

The ayes and noes being demanded by five members, the Convention refused to lay Section thirty and amendments on the table by the following vote:

AYES

Allen	Brockmeyer	Hardin	Norton	Spaunhorst	
Alexander	Cottey	McKee	Roberts	Wallace	
Black	Edwards	Mudd	Ross	Watkins	18
Boone	of St. Louis	Nickerson	of Morgan		
Broadhead					

NOES

324] Adams	Dysart	Hyer	McAfee	Ross	
Bradfield	Edwards	Johnson	McKillop	of Polk	
Chrisman	of Iron	of Cole	Mortell	Shanklin	
Conway	Eitzen	Lackland	Pipkin	Todd	
Crews	Fyan	Lay	Priest	Wagner	
Crockett	Gantt	Mabrey	Ray	Mr. President	
Davis	Halliburton	Massey	Rider		35
Dryden	Hammond	Maxey	Rippey		

ABSENT

Gottschalk	Hale	Holliday	Pulitzer	4

ABSENT WITH LEAVE

Carleton	Letcher	Shackelford	Taylor	Taylor
Farris	McCabe	Shields	of Jasper	of St. Louis
Johnston of Nodaway	Rucker	Switzler		11

Mr. Brockmeyer offered the following resolution:

Resolved, That the State Auditor be and he is hereby requested to furnish to this Convention a statement showing the various appropriations of money, other than for the payment of the interest and principal of the public debt, made by the Twenty-fourth, Twenty-fifth, Twenty-sixth, Twenty-seventh and Twenty-eighth General Assemblies, inclusive, showing the aggregate amount of each appropriation and the purpose for which made.

Resolved, That the Secretary of this Convention furnish a copy of this resolution to the State Auditor.

which was read and adopted.

The President appointed the following committee to examine the Senate Chamber and report if it can be used for the session of this body.—Pipkin, Lay and Fyan.

Mr. Lay offered the following as an additional rule to the standing rules of the Convention to be numbered Rule 53:

Upon a call of the ayes and noes any member who has not debated the question on which such call is made may explain his vote, occupying not more than five minutes for that purpose unless longer time be granted by the Convention.

which was read and laid over under the rules.

On motion of Mr. Conway, the Convention adjourned until 2 o'clock p. m.

AFTERNOON SESSION

The Convention met pursuant to adjournment, the President in the chair.

The Convention resumed the consideration of the 325] amendment offered by Mr. Rider to the substitute offered by Mr. McAfee, pending at adjournment.

The question recurring upon the adoption of the amendment offered by Mr. Rider, it was agreed to.

Mr. Nickerson offered the following amendment to the substitute:

Amend the substitute by striking out the word "twenty" and insert the word "eighteen" in lieu thereof.

which was read and agreed to.

The question recurring upon the adoption of the substitute as amended by Mr. McAfee, it was adopted.

Mr. Wallace offered the following substitute for Section thirty-four as amended:

Section 34. In counties having a population exceeding fifty thousand, the General Assembly may establish separate courts for the trial of criminal cases only. Four or a less number of contiguous counties, containing an aggregate population of not less than eighty thousand inhabitants, may be formed into criminal circuits for the transaction of criminal business only. In all other counties, the circuit courts may be required to hold separate terms for the transaction of criminal business.

which was read.

Mr. Rippey offered the following amendment to the substitute for Section thirty-four offered by Mr. McAfee:

Amend the substitute by striking out all after the words "fifty thousand."

which was read and agreed to.

The question recurring upon the adoption of the substitute offered by Mr. Wallace, and the ayes and noes being demanded by five members, the substitute was rejected by the following vote:

AYES

Nickerson	Todd	Wallace	Watkins	Mr. President 5

NOES

Adams	Crews	Gantt	McAfee	Rider
Allen	Crockett	Halliburton	McKee	Rippey
Alexander	Davis	Hammond	McKillop	Ross
Black	Dryden	Hyer	Mortell	of Morgan
Boone	Dysart	Johnson	Mudd	Ross
Bradfield	Edwards	of Cole	Norton	of Polk
Broadhead	of Iron	Lay	Pipkin	Shanklin
Chrisman	Edwards	Mabrey	Priest	Spaunhorst
Conway	of St. Louis	Massey	Ray	Wagner 42
Cottey	Fyan			

ABSENT

326] Brockmeyer	Gottschalk	Hardin	Lackland	Pulitzer	
Eitzen	Hale	Holliday	Maxey	Roberts	10

ABSENT WITH LEAVE

Carleton	Letcher	Shackelford	Taylor	Taylor	
Farris	McCabe	Shields	of Jasper	of St. Louis	
Johnston of Nodaway	Rucker	Switzler			11

Section thirty-four, as amended by the substitute, was adopted.

Section thirty-five was read.

Mr. Wallace offered the following amendment to Section thirty-five:

Amend by adding the following: "But no vacancy in the office of Supreme or circuit judge or St. Louis Court of Appeals shall be filled by appointment except for a period less than one year next before a general election, and where a vacancy occurs more than one year before a general election the same shall be filled by election for the balance of the regular term, for which purpose the Governor shall issue a writ of election, upon being satisfied that said vacancy exists."

which was read.

Mr. Massey offered the following amendment to the amendment offered by Mr. Wallace:

Amend the amendment by striking it out, and add to the pending section as follows: "Vacancies in the office of the judge of any court of record shall be filled by appointment by the Governor, to hold until the next general election."

which was read and rejected.

The question recurring upon the adoption of the amendment offered by Mr. Wallace, it was rejected.

Mr. Spaunhorst offered the following substitute for Section thirty-five:

In case the office of judge of any court of record shall become vacant by death, resignation, removal, failure to qualify, or otherwise, such vacancy shall be filled in the manner prescribed by law.

which was read and adopted.

Mr. Adams offered the following substitute for Section thirty-five as amended by the substitute offered by Mr. Spaunhorst:

Strike out the substitute as amended and substitute the following: 327] "If any vacancy occur in the office of any judge of a court of record from any cause, the Governor shall appoint a suitable person to fill the vacancy and the person so appointed shall hold office until the next general election, occurring more than three months after the happening of such vacancy, when the same shall be filled for the remainder of the term by election, unless such election should be the one at which the full term is to be filled, and if that be the case the appointee shall hold for the remainder of the vacant term and until a successor be duly qualified."

which was read.

Mr. Johnson of Cole offered the following amendment to the substitute offered by Mr. Spaunhorst:

Amend the substitute by adding, "occurring more than thirty days from such appointment at which time the same shall be filled by election."

which was read and agreed to.

Mr. Black offered the following amendment to the substitute offered by Mr. Spaunhorst, as amended:

Amend the substitute by striking out all after the word "filled" and insert the following: "in the manner prescribed by law."

which was read and agreed to.

The question recurring upon the adoption of the substitute offered by Mr. Adams, it was rejected.

The question recurring upon the adoption of Section thirty-five as amended by the substitute offered by Mr. Spaunhorst as amended, and the ayes and noes being demanded by five members, the section as amended was adopted by the following vote:

AYES

Adams	Cottey	Hale	McKillop	Ross	
Allen	Davis	Hammond	Nickerson	of Polk	
Alexander	Dryden	Hyer	Norton	Shanklin	
Black	Dysart	Lackland	Pipkin	Spaunhorst	
Broadhead	Edwards	Lay	Ray	Todd	
Brockmeyer	of St. Louis	Mabrey	Rippey	Wagner	
Chrisman	Eitzen	McAfee	Roberts	Watkins	
Conway	Gantt	McKee	Ross		
			of Morgan		37

NOES

Bradfield	Edwards	Halliburton	Massey	Wallace	
Crews	of Iron	Johnson	Mudd	Mr. President	
Crockett	Fyan	of Cole	Rider		12

ABSENT

Boone	Hardin	Maxey	Priest	Pulitzer	8
Gottschalk	Holliday	Mortell			

ABSENT WITH LEAVE

328] Carleton	Letcher	Shackelford	Taylor	Taylor	
Farris	McCabe	Shields	of Jasper	of St. Louis	
Johnston	Rucker	Switzler			10
of Nodaway					

Section thirty-six was read.

Mr. Lackland offered the following amendment to Section thirty-six:

Amend Section thirty-six by adding the words, "and shall continue in office," at the end of the third line thereof.

which was read and rejected.

Mr. Conway offered the following amendment to Section thirty-six:

Amend by inserting in line 3, before the word "diminished" the words, "increased or."

which was read and agreed to.

Mr. McKillop offered the following amendment to Section thirty-six:

Amend Section thirty-six by striking out the word "Appellate" in the first line and insert after the word "Supreme" in said line the words, "Court, St. Louis Court of Appeals."

which was read and rejected.

Mr. Spaunhorst offered the following substitute for Section thirty-six:

Section 36. The judges of the Supreme, appellate and circuit courts shall, at stated times, receive such compensation for their services, as is or may be prescribed by law.

which was read and rejected.

Mr. Lay offered the following amendment to Section thirty-six:

Amend Section thirty-six by inserting between the words "courts" and "shall" in the first line the words, "and other courts of record."

which was read and rejected.

Mr. Gantt offered the following amendment to Section thirty-six:

Insert after the word "courts" in the first line the following words, "and of all courts of record receiving a salary."

which was read and agreed to.

Mr. Crockett offered the following substitute for Section thirty-six as amended:

Substitute for Section thirty-six the following:

"Section 36. The judges of the courts of this State shall receive a reasonable compensation for their services, to be ascertained and prescribed by law, and the compensation, when so prescribed, shall not be increased or diminished during the term for which said judges are elected."

which was read and rejected.

The question recurring upon the adoption of Section thirty-six as amended, it was adopted.

329] Mr. Broadhead moved to reconsider the vote by which Section twenty-three was adopted, which was agreed to.

Mr. Broadhead offered the following amendment to Section twenty-three:

Amend Section twenty-three as follows: After the word "Constitution" in the first line insert the following words: "and after the close of the next regular term of the Supreme Court at St. Louis and St. Joseph as now established by law."

which was read and agreed to.

The question recurring upon the adoption of Section twenty-three as amended, it was adopted.

Section thirty-seven was read.

Mr. Hale offered the following amendment to Section thirty-seven:

Amend Section thirty-seven by adding thereto the following: "and concurrent jurisdiction with the circuit court in the assignment of dower and partition of real estate."

which was read.

Mr. Nickerson in the chair.

Mr. Crews moved that Section thirty-seven and pending amendments be laid over informally, which was not agreed to.

The question recurring upon the adoption of the amendment offered by Mr. Hale, and the ayes and noes being demanded by five members, the amendment was rejected by the following vote:

AYES

Allen	Halliburton	Massey	Mudd	Roberts	
Crews	Hardin	McKee	Norton	Shanklin	
Crockett	Holliday	Mortell	Priest	Wallace	16
Hale					

NOES

Alexander	Dryden	Gantt	McAfee	Ross	
Black	Dysart	Hammond	McKillop	of Morgan	
Boone	Edwards	Hyer	Nickerson	Ross	
Bradfield	of Iron	Johnson	Pipkin	of Polk	
Broadhead	Edwards	of Cole	Ray	Spaunhorst	
Brockmeyer	of St. Louis	Lay	Rider	Wagner	
Chrisman	Eitzen	Mabrey	Rippey	Watkins	
Conway	Fyan	Maxey		Mr. President	
Davis					35

ABSENT

Adams	Gottschalk	Lackland	Pulitzer	Todd	6
Cottey					

ABSENT WITH LEAVE

Carleton	Letcher	Shields	Taylor	Taylor	
Farris	McCabe	Shackelford	of Jasper	of St. Louis	
Johnston	Rucker	Switzler			11
of Nodaway					

330] Mr. Hale offered the following amendment to Section thirty-seven:

Amend Section thirty-seven by adding thereto the following words: "and such other jurisdiction as may be conferred by law."

which was read and rejected.

Mr. Hale offered the following amendment to Section thirty-seven:

Amend Section thirty-seven by adding the following: "*Provided*, that this section shall not be so construed as to divest any probate court heretofore established of any jurisdiction they may now have by law."

which was read.

Mr. Davis offered the following amendment to the amendment offered by Mr. Hale:

Amend the amendment by inserting after the words "probate courts" the words, "or courts of common pleas having probate jurisdiction."

which was read and rejected.

Mr. Allen moved that Section thirty-seven with pending amendments be laid over informally, which was agreed to.

On motion of Mr. Hardin the Convention adjourned until tomorrow at 9 o'clock a. m.

SATURDAY, JUNE 26, 1875

MORNING SESSION

The Convention met pursuant to adjournment, the President in the chair.

The journal of yesterday was read and approved.

On motion of Mr. Holliday, leave of absence was granted Mr. Dryden.

Mr. McAfee offered the following resolution:

Resolved, That hereafter the daily meetings and adjournments of the Convention be as follows: Convene at 8:30 o'clock a. m. and not adjourn earlier than 12:30 p. m.; then meet at 2 p. m. and not adjourn earlier than 6 p. m.

which was read.

Mr. Spaunhorst offered the following amendment to the resolution:

Amend the resolution by striking out the words "12:30" and the word "6:00."

which was read.

331.] The question being upon the adoption of the amendment offered by Mr. Spaunhorst, and the ayes and noes being demanded by five members, the amendment was rejected by the following vote:

AYES

Brockmeyer	Eitzen	Letcher	Nickerson	Spaunhorst	
Crews	Holliday	McCabe	Ray	Switzler	
Dysart	Johnson	McKee	Rider	Todd	
Edwards	of Cole	McKillop	Ross	Wallace	
of St. Louis	Lackland	Mudd	of Morgan	Watkins	22

NOES

Adams	Conway	Gantt	Massey	Roberts	
Allen	Cottey	Hale	Maxey	Ross	
Alexander	Crockett	Halliburton	McAfee	of Polk	
Black	Davis	Hammond	Norton	Shanklin	
Boone	Edwards	Hyer	Pipkin	Wagner	
Bradfield	of Iron	Lay	Priest	Mr. President	
Carleton	Fyan	Mabrey	Rippey		33
Chrisman					

ABSENT

Broadhead	Gottschalk	Hardin	Mortell	Pulitzer	5

ABSENT WITH LEAVE

Dryden	Johnston	Rucker	Shields	Taylor	
Farris	of Nodaway	Shackelford	Taylor	of St. Louis	
			of Jasper		8

Mr. McAfee moved a suspension of the rules for the consideration of his resolution. The ayes and noes being demanded by five members, the Convention refused to suspend the rules by the following vote:

AYES

Adams	Edwards	Hyer	McAfee	Ross	
Alexander	of Iron	Johnson	McKillop	of Polk	
Boone	Fyan	of Cole	Norton	Shanklin	
Carleton	Gantt	Lay	Rippey	Todd	
Chrisman	Hale	Mabrey	Roberts	Wagner	
Conway	Halliburton	Massey	Ross	Mr. President	
Cottey	Hammond	Maxey	of Morgan		31
Crockett					

NOES

Allen	Davis	Holliday	Mudd	Rider	
Black	Dysart	Lackland	Nickerson	Spaunhorst	
Bradfield	Edwards	Letcher	Pipkin	Switzler	
Brockmeyer	of St. Louis	McCabe	Priest	Wallace	
Crews	Eitzen	McKee	Ray	Watkins	24

ABSENT

Broadhead	Gottschalk	Hardin	Mortell	Pulitzer	5

ABSENT WITH LEAVE

Dryden	Johnston	Shackelford	Taylor	Taylor	
Farris	of Nodaway	Shields	of Jasper	of St. Louis	8
	Rucker				

And so the resolution, fixing a time for adjournment, was laid over until Monday next, under the rules.

Mr. Todd offered the following resolution:

332] Resolved, That the Committee on Miscellaneous Provisions be instructed to report on the expediency of adopting as a part of the Constitution the following proposition: "At every election in which there shall be more than one person to be elected for the like office, any voter may cast for any designated candidate, as many votes as there are persons to be elected or may distribute his votes among the candidates at his discretion."

which was read and referred to the Committee on Miscellaneous Provisions.

Under a suspension of the rules, Mr. Lay called up the proposed new rule to be numbered 53 offered by him on yesterday.

Mr. Adams offered the following amendment to the proposed new rule:

Amend by striking out the word "five" and inserting the word "two."

which was read and rejected.

Mr. Dysart offered the following amendment to the proposed new rule:

Amend by striking out the words, "unless by leave of the Convention."

which was read and rejected.

The question recurring on the adoption of the new rule to be numbered 53, it was adopted.

The consideration of Section thirty-seven of the report of the Committee on Judicial Department, with an amendment offered thereto by Mr. Hale, laid over informally on yesterday, was resumed.

Mr. Norton offered the following substitute for Section thirty-seven:

Strike out Section thirty-seven and substitute therefor the following:

"Section 37. The General Assembly may establish separate probate courts in any of the counties of the State, which shall be uniform in organization and practice and with such uniform jurisdiction as may be established by law."

which was read.

The question being on the adoption of the amendment of Mr. Hale to Section thirty-seven, it was rejected.

Mr. Adams offered the following amendment to Section thirty-seven:

Amend Section thirty-seven by adding thereto the following: "and also jurisdiction over all matters pertaining to apprentices."

333] which was read and agreed to.

Mr. Bradfield offered the following amendment to Section thirty-seven as amended:

Amend Section thirty-seven as amended by striking out in the first line the word "may" and insert in lieu thereof the word "shall" and by striking out the word "any" and insert in lieu thereof the word "every."

which was read and agreed to.

Vice-President Watkins in the chair.

Mr. Hale offered the following amendment:

Amend Section thirty-seven as amended by adding the following: "*Provided*, that until the General Assembly shall by law provide for a uniform system of probate courts the jurisdiction of probate courts heretofore established shall remain as provided by law."

which was read and agreed to.

Mr. Hardin offered the following amendment to Section thirty-seven as amended:

Amend Section thirty-seven by inserting after the word "judge," in the second line the words, "learned in the law."

which was read.

The ayes and noes being demanded by five members, the amendment was rejected by the following vote:

AYES

Conway	Hardin	Switzler	Todd	Watkins	7
Dysart	McCabe				

NOES

Adams	Crews	Hammond	McAfee	Roberts
Allen	Crockett	Hyer	McKee	Ross
Alexander	Davis	Johnson	McKillop	of Morgan
Black	Edwards	of Cole	Nickerson	Ross
Boone	of Iron	Lackland	Norton	of Polk
Bradfield	Eitzen	Lay	Pipkin	Shanklin
Brockmeyer	Fyan	Letcher	Priest	Wagner
Carleton	Gantt	Mabrey	Ray	Wallace
Chrisman	Hale	Massey	Rider	Mr. President
Cottey	Halliburton	Maxey	Rippey	45

ABSENT

Broadhead	Gottschalk	Mortell	Pulitzer	Spaunhorst 8
Edwards	Holliday	Mudd		
of St. Louis				

ABSENT WITH LEAVE

Dryden	Johnston	Rucker	Taylor	Taylor
Farris	of Nodaway	Shackelford	of Jasper	of St. Louis 8
		Shields		

On motion of Mr. Switzler leave of absence was granted Mr. Spaunhorst.

334] By unanimous consent of the Convention, Mr. Norton withdrew the substitute offered by him to Section thirty-seven.

The question recurring upon the adoption of Section thirty-seven as amended, it was adopted.

On motion of Mr. Wagner the Convention adjourned until 2 o'clock p. m.

AFTERNOON SESSION

The Convention met pursuant to adjournment, the President in the chair.

On motion of Mr. Todd leave of absence was given Mr. Pulitzer.

The Convention resumed the consideration of the report of the Committee on Judicial Department.

Section thirty-eight was read.

Mr. Johnson of Cole offered the following amendment to Section thirty-eight:

Amend by striking out all after the words "Section 38 "and insert: "The General Assembly shall prescribe a uniform system of pleading, practice and form of procedure in probate courts, and may provide for a separate clerk for said courts, or the judge may be required to act *ex officio* as his own clerk."

which was read and rejected.

Mr. Dysart offered the following amendment to Section thirty-eight:

Amend Section thirty-eight by striking out all after the word "practice" in the second line.

which was read and rejected.

The question recurring upon the adoption of Section thirty-eight, it was adopted.

Section thirty-nine was read.

Mr. Adams offered the following amendment to Section thirty-nine:

Amend Section thirty-nine by adding after the word "business," in the third line the words, "and such other jurisdiction as may be conferred by law."

which was read.

Mr. Fyan offered the following substitute for Section thirty-nine:

Substitute the following for Section thirty-nine: "There shall be a county court in each county which shall be a court of record and 335] shall have jurisdiction of all business and such other jurisdiction as may be conferred by law; in county courts in counties having less than fifty thousand inhabitants, said court shall be composed of one presiding justice and two associate justices who shall be elected by the qualified voters of the county and shall hold their offices for the term of two years. The judge of the probate court of such counties shall be *ex officio* the presiding justice of the county court."

which was read.

The question recurring upon the adoption of the amendment offered by Mr. Adams to Section thirty-nine, it was adopted.

Mr. Eitzen offered the following amendment to Section thirty-nine:

Amend Section thirty-nine by striking out the words, "one or more judges not exceeding three," in the first and second lines, and add thereto the following words: "the probate judge shall be president *ex officio* of said county court."

which was read and agreed to.

Mr. Alexander in the chair.

Mr. Davis offered the following amendment to the substitute offered by Mr. Fyan:

Amend the substitute by striking out the words, "one presiding justice and two associate justices," and inserting, "one or more judges not exceeding three," and adding after the word "court" in last line, "and in all counties wishing but one judge, may by law be made *ex officio* county judge."

which was read and rejected.

Mr. Black offered the following amendment to the substitute offered by Mr. Fyan:

Amend substitute by striking out the word "exclusive."

which was read and agreed to.

Mr. Crews offered the following amendment to Section thirty-nine as amended:

Amend Section thirty-nine by striking out all after the word "court" in the first line and insert the following: "which shall be a court of record. In counties having less than fifty thousand inhabitants, said court shall be composed of one presiding justice and two associate justices; in counties having less than fifty thousand inhabitants, the probate judge of the
336] county shall be *ex officio* the presiding justice of the county court and have jurisdiction of all county business, and of such other jurisdiction as may be conferred by law on circuit courts, except in matters relating to the levy and assessment of taxes, appropriations of money and settlements with the county collectors and treasurers, which shall require the presence of all the members of the county court. The term of office of said associate judges shall be two years."

which was read.

Mr. Halliburton offered the following amendment to the substitute for Section thirty-nine offered by Mr. Fyan:

Amend the substitute by adding to the same the following words: "the term of office of the probate judge shall be four years."

which was read.

The President in the chair.

Mr. Boone offered the following amendment to the amendment to Section thirty-nine offered by Mr. Crews:

Amend the amendment by striking out all after the word "shall" in line twenty-five and inserting "be two years."

which was read and agreed to.

On motion of Mr. Davis leave of absence was granted Mr. Rider.

On motion of Mr. Adams leave of absence was granted Mr. Chrisman.

The question recurring upon the adoption of the amendment offered by Mr. Crews to Section thirty-nine as amended and the ayes and noes being demanded by five members, the amendment was agreed to by the following vote:

AYES

Adams	Edwards	Johnson	McKillop	Todd
Boone	of Iron	of Cole	Pipkin	Wagner
Bradfield	Fyan	Lay	Rippey	Wallace
Cottey	Hardin	Letcher	Ross	Mr. President
Crews	Hyer	Mabrey	of Polk	24
Crockett		McAfee	Switzler	

NOES

Allen	Davis	Hammond	McKee	Ross
Alexander	Dysart	Holliday	Norton	of Morgan
Black	Eitzen,	Lackland	Priest	Shanklin
Carleton	Hale	Massey	Ray	Watkins
Conway	Halliburton	McCabe	Roberts	23

ABSENT

337]

Broadhead	Edwards	Gantt	Maxey	Mudd
Brockmeyer	of St. Louis	Gottschalk	Mortell	Nickerson
				9

ABSENT WITH LEAVE

				Taylor
Chrisman	Johnston	Rider	Shields	of Jasper
Dryden	of Nodaway	Rucker	Spaunhorst	Taylor
Farris	Pulitzer	Shackelford		of St. Louis
				12

The question recurring on the adoption of the amendment offered by Mr. Halliburton to the substitute offered by Mr. Fyan, it was agreed to.

Mr. McCabe offered the following amendment to the substitute offered by Mr. Fyan:

Amend the substitute as amended by striking out all after the word "court" in the thirteenth line and insert after the word "year" in the eleventh line the following: "except the presiding justice who shall hold his office for the term of four years."

which was read and agreed to.

The question recurring on the adoption of the substitute for Section thirty-nine offered by Mr. Fyan as amended, and the ayes and noes being demanded by five members, the substitute was rejected by the following vote:

AYES

Adams	Edwards	Hardin	McAfee	Ray	
Black	of Iron	Holliday	McCabe	Ross	
Bradfield	Eitzen	Johnson	McKillop	of Polk	
Carleton	Fyan	of Cole	Norton	Todd	
Conway	Gantt	Mabrey	Priest		24
Cottey	Halliburton	Massey			

NOES

Allen	Dysart	Letcher	Ross	Wallace	
Alexander	Hale	Maxey	of Morgan	Watkins	
Boone	Hammond	McKee	Shanklin	Mr. President	
Crews	Hyer	Pipkin	Switzler		25
Crockett	Lackland	Rippey	Wagner		
Davis	Lay	Roberts			

ABSENT

Broadhead	Edwards	Gottschalk	Mudd	Nickerson	
Brockmeyer	of St. Louis	Mortell			7

ABSENT WITH LEAVE

Chrisman	Johnston	Rider	Shields	of Jasper	
Dryden	of Nodaway	Rucker	Spaunhorst	Taylor	
Farris	Pulitzer	Shackelford	Taylor	of St. Louis	
					12

Mr. Hale offered the following substitute for Section thirty-nine as amended:

Amend by way of substitute as follows: "In each county there shall be a circuit court consisting of one or more judges, not exceeding five, 338] as may be provided by law. They shall be courts of record and shall have jurisdiction to transact all county business and such other jurisdiction as is or may be conferred by law. In all counties having a probate court the judge thereof shall be a member of said court and shall be the presiding judge thereof, except in counties having a population of fifty thousand inhabitants."

which was read.

Mr. Switzler offered the following resolution:

Resolved, That the original section together with all the pending amendments be referred to a special committee of five with instructions to report to the Convention at 9 o'clock a. m. on Tuesday next.

which was read and adopted.

Section forty was read and adopted.

Section forty-one was read and adopted.

Section forty-two was read.

Mr. Adams offered the following amendment to Section forty-two:

Amend Section forty-two by prefixing the following words: "The St. Louis Court of Appeals, and the Supreme Court shall appoint their own clerks," and by inserting in the first line after the word "all" the word "other."

which was read and agreed to.

The question recurring on the adoption of Section forty-two as amended, it was adopted.

Section forty-three was read and adopted.

Section forty-four was read and adopted.

Section forty-five was read.

Mr. Davis offered the following amendment to Section forty-five:

Amend Section forty-five by adding the following: "*Provided, however*, no court of common pleas now existing in this State shall be abolished or its jurisdiction impaired by any provision in this article."

which was read and rejected.

339] Mr. Adams offered the following amendment to Section forty-five:

Amend Section forty-five by adding the following: "*and provided further*, that no court of common pleas now presided over by any circuit judge shall be abolished or its jurisdiction impaired until the Legislature

shall make provisions for terms of the circuit court in lieu thereof at the place when such court is now held."

which was read.

Mr. Adams offered the following amendment to the amendment:

Amend the amendment by adding the following: "or until the said courts shall be abolished by law."

which was read and agreed to.

The question recurring upon the adoption of the amendment, as amended, to Section forty-five offered by Mr. Adams, it was agreed to.

Mr. Davis offered the following amendment to the amendment offered by Mr. Adams as amended:

Amend the amendment as amended by striking out the words, "presided over by any circuit judge."

which was read and rejected.

Mr. Hale offered the following amendment to Section forty-five:

Amend by adding the following: "*and provided further*, that when common pleas courts have been heretofore established in towns having a population of fifty thousand and upwards, said courts shall, after the expiration of the terms of office of the present judges, be presided over by the judge of the circuit court."

which was read and rejected.

Mr. Gantt offered the following amendment to Section forty-five:

Amend Section forty-five by striking out the word "proper" in the third line.

which was read and agreed to.

The question recurring on the adoption of Section forty-five as amended, it was adopted.

Section one of Article——on Impeachments was read.

Mr. Gantt offered the following substitute for Section one:

Substitute the following for Section 1 of Article——— on Impeachments: "The Governor, Lieutenant-Governor and Judges of the Supreme **340**] Court shall be liable to impeachment for high crimes and misdemeanors and for misconduct or oppression in office. All other executive, judicial and ministerial officers may be indicted for high crimes or mis-

demeanors, and misconduct or oppression in office by the grand jury of the county in which the acts complained of are supposed to have occurred, and shall be tried and punished as may be provided by law; but shall not be liable to impeachment."

which was read.

Mr. Shanklin offered the following amendment to Section one:

Amend Section one by striking out the words, "all judges of courts of record," and insert the following in lieu thereof: "judges of the Supreme and circuit courts and St. Louis Court of Appeals."

which was read and agreed to.

The question recurring upon the substitute offered by Mr. Gantt for Section one, it was rejected.

Mr. Todd offered the following amendment to Section one:

Amend Section one by inserting after the word "misconduct" in line three the words, "habits of drunkenness."

which was read.

The ayes and noes being demanded by five members, the amendment offered by Mr. Todd was agreed to by the following vote:

AYES

Allen	Fyan	Mabrey	Ray	Wagner	
Alexander	Gantt	Massey	Rippey	Wallace	
Brockmeyer	Hale	Maxey	Roberts	Mr. President	
Cottey	Hardin	McAfee	Ross		
Crews	Johnson	McCabe	of Polk		
Crockett	of Cole	McKee	Shanklin		
Dysart	Lay	McKillop	Switzler		
Eitzen	Letcher	Pipkin	Todd		33

NOES

Adams	Bradfield	Edwards	Hammond	Norton	
Black	Carleton	of Iron	Hyer	Priest	
Boone	Conway	Halliburton	Lackland	Watkins	14

ABSENT

Broadhead	Edwards	Gottschalk	Mortell	Ross	
Davis	of St. Louis	Holliday	Mudd	of Morgan	8

ABSENT WITH LEAVE

Chrisman	Johnston	Pulitzer	Shackelford	Taylor
Dryden	of Nodaway	Rider	Shields	of Jasper
Farris	Nickerson	Rucker	Spaunhorst	Taylor
				of St. Louis
				13

Mr. Shanklin offered the following amendment to Section one:

Amend Section one by inserting after the word "Attorney-General" **341]** in the second line the words "Superintendent of Public Schools."

which was read and agreed to.

The question recurring upon the adoption of Section one as amended, it was adopted.

The President announced the following committee to which was referred Section thirty-nine of the report of the Committee on Judicial Department and pending amendments.—Switzler, Crews, Fyan, Wallace, Boone.

Section two was read and adopted.

On motion of Mr. Wagner the Convention adjourned until 8:30 a. m., Monday.

MONDAY, JUNE 28, 1875

MORNING SESSION

The Convention met pursuant to adjournment, the President in the chair.

The journal of Saturday was read and approved.

Mr. Maxey offered the following as a new section to the report of the Committee on Judicial Department:

There shall be elected at the general election in 1876 and every four years thereafter by the qualified voters of the different judicial circuits in this State, one circuit attorney, who shall reside in the circuit for which he is elected. He shall possess the same qualifications and receive the same salary from the same source and in the same way as the judge of the circuit court, and shall hold his office for the term of four years from the first day of January next after his election. All fees and perquisites allowed by law to said circuit attorney shall be paid into the State treasury and said circuit attorney shall not be allowed to practice in civil cases

except in such cases as the State or any county within his circuit may be a party.

which was read.

Mr. Halliburton offered the following substitute for the proposed new section:

Section—. At the general election in eighteen hundred and seventy-six a circuit attorney shall be elected within and for each judicial circuit, who shall hold his office for the term of four years and shall perform such duties as may be prescribed by law and shall receive such com-
342] pensation for his services as may be prescribed by law.

which was read.

On motion of Mr. Hale the proposed new section and the substitute thereto was referred to a special committee of five to be reported on at some future time.

Mr. Shanklin moved to reconsider the vote by which Section forty-five as amended was adopted, which was agreed to.

Mr. Shanklin moved to reconsider the vote by which the amendment offered by Mr. Davis to Section forty-five was rejected, which was agreed to.

On motion of Mr. Davis the further consideration of Section forty-five and pending amendments, was postponed until tomorrow.

Mr. Halliburton offered the following proposed new section to the report of the Committee on Judicial Department:

Section—. The General Assembly, during the session of eighteen hundred and seventy-eight, shall divide the State, St. Louis and Jackson county excepted, into convenient circuits of contiguous counties not to exceed eighteen in number, in each of which circuits one circuit judge shall be elected, and shall provide by law for the election of said judges in the circuits as created in pursuance of this section at the general election in eighteen hundred and eighty.

which was read and on motion of Mr. Halliburton, laid over until tomorrow.

Mr. Roberts presented a memorial from Nathan C. Kouns in reference to the commutation tax authorized by an act to provide means for the payment and support of the enrolled militia forces of the State of Missouri, approved

March 9, 1863, which was read and on motion referred to the Committee on Judicial Department.

On motion of Mr. Norton the further consideration of the report of the Committee on Judicial Department was laid over informally and the report of the Committee on Legislative Department was taken up.

Section one was read and adopted.

On motion of Mr. Brockmeyer Sections two, three, four, five, six and seven were passed over informally.

343] Section eight was read and adopted.

Section nine was read and adopted.

Section ten was read and adopted.

Section eleven was read.

Mr. Brockmeyer offered the following amendment:

Amend Section eleven by striking out the words, "obey and defend," where they occur in line three.

which was read and agreed to.

The question recurring upon the adoption of Section eleven as amended, it was adopted.

Section twelve was read.

Mr. Norton offered the following amendment to Section twelve:

Amend by filling blank in the third line with the number "seventy."

which was read.

Mr. Shanklin offered the following amendment to Section twelve:

Amend the amendment by inserting "sixty" in lieu of "seventy."

which was read.

Mr. Holliday offered the following amendment to Section twelve:

Amend the amendment by striking out "seventy" and insert "ninety."

which was read.

The ayes and noes being demanded by five members, the amendment offered by Mr. Holliday was rejected by the following vote:

AYES

Allen	Conway	Halliburton	Johnson	Lay
Black	Edwards	Holliday	of Cole	Mabrey
Brockmeyer	of Iron		Lackland	Mortell
				Ray 13

NOES

Adams	Davis	Hyer	Norton	Switzler
Alexander	Dysart	Letcher	Pipkin	Todd
Boone	Eitzen	Massey	Priest	Wagner
Bradfield	Fyan	Maxey	Rippey	Wallace
Carleton	Gantt	McAfee	Roberts	Watkins
Cottey	Hale	McCabe	Ross	Mr. President
Crews	Hammond	McKee	of Polk	37
Crockett	Hardin	McKillop	Shanklin	

ABSENT

Broadhead	Edwards	Gottschalk	Mudd	Ross
	of St. Louis			of Morgan 5

ABSENT WITH LEAVE

Chrisman	Johnston	Pulitzer	Shackelford	Taylor
Dryden	of Nodaway	Rider	Shields	of Jasper
Farris	Nickerson	Rucker	Spaunhorst	Taylor
				of St. Louis 13

The question recurring upon the adoption of the amendment to Section twelve offered by Mr. Norton, and the ayes and noes being demanded by five members, the amendment was agreed to by the following vote:

AYES

344]

Allen	Crockett	Halliburton	Lay	Ross
Alexander	Dysart	Hammond	Mabrey	of Polk
Black	Edwards	Hardin	Maxey	Switzler
Bradfield	of Iron	Johnson	Mortell	Wallace
Brockmeyer	Eitzen	of Cole	Norton	Watkins
Conway	Hale	Lackland	Rippey	26

NOES

Adams	Fyan	Massey	Pipkin	Shanklin
Boone	Gantt	McAfee	Priest	Todd
Carleton	Holliday	McCabe	Ray	Wagner
Crews	Hyer	McKee	Roberts	Mr. President
Davis	Letcher	McKillop		23

ABSENT

Broadhead	Cottey	Edwards of St. Louis	Gottschalk	Ross of Morgan 5

ABSENT WITH LEAVE

Chrisman	Johnston	Pulitzer	Shields	Taylor
Dryden	of Nodaway	Rider	Spaunhorst	of St. Louis
Farris	Mudd	Rucker	Taylor	14
	Nickerson	Shackelford	of Jasper	

Mr. Ross of Polk offered the following amendment:

Amend Section twelve by striking out the words, "one dollar," in the fourth and sixth lines and inserting in lieu thereof the words, "two dollars."

which was read.

Mr. Holliday offered the following amendment to the amendment offered by Mr. Ross of Polk:

Amend the amendment by striking out the word "two" and inserting in lieu thereof the word "three."

which was read.

The ayes and noes being demanded by five members upon the question of the adoption of the amendment to the amendment, it was rejected by the following vote:

AYES

Holliday	Lackland	Ray	3

NOES

Adams	Crockett	Hardin	McKee	Ross
Allen	Davis	Hyer	McKillop	of Polk
Alexander	Dysart	Johnson	Mortell	Shanklin
Black	Edwards	of Cole	Norton	Switzler
Boone	of Iron	Lay	Pipkin	Todd
Bradfield	Eitzen	Letcher	Priest	Wagner
Brockmeyer	Fyan	Mabrey	Rippey	Wallace
Carleton	Gantt	Massey	Roberts	Watkins
Conway	Hale	Maxey	Ross	Mr. President
Cottey	Halliburton	McAfee	of Morgan	48
Crews	Hammond	McCabe		

ABSENT

Broadhead	Edwards of St. Louis	Gottschalk	Mudd	4

345] ABSENT WITH LEAVE

Chrisman	Johnston	Pulitzer	Shackelford	Taylor
Dryden	of Nodaway	Rider	Shields	of Jasper
Farris	Nickerson	Rucker	Spaunhorst	Taylor
				of St. Louis

13

The question recurring upon the adoption of the amendment offered by Mr. Ross of Polk, to Section twelve, it was rejected.

Mr. Cottey offered the following amendment to Section twelve:

Amend by striking out the word "fifty" in the fifteenth line and inserting in lieu thereof the word "thirty."

which was read.

Mr. McAfee offered the following amendment to Section twelve:

Amend Section twelve by striking out all after the word "paid" in the fourteenth line down to and including the word "perquisites" in the sixteenth line.

which was read.

Mr. Pipkin offered the following amendment to the amendment offered by Mr. Cottey:

Amend the amendment by striking out the word "thirty" and inserting in lieu thereof the word "twenty-five."

which was read.

Mr. Norton demanded a division of the question, which was agreed to.

The question being upon the motion to strike out the word "fifty" in line fifteen of Section twelve, and the ayes and noes being demanded by five members, the motion to strike out was adopted by the following vote:

AYES

Adams	Crews	Hardin	McKee	Ross
Alexander	Crockett	Hyer	McKillop	of Morgan
Boone	Davis	Johnson	Norton	Switzler
Bradfield	Eitzen	of Cole	Pipkin	Todd
Carleton	Fyan	Massey	Priest	Wagner
Cottey	Gantt	McAfee	Roberts	Watkins
				Mr. President

29

NOES

Allen	Edwards	Holliday	Maxey	Ross	
Black	of Iron	Lackland	McCabe	of Polk	
Brockmeyer	Hale	Lay	Mortell	Shanklin	
Conway	Halliburton	Letcher	Ray	Wallace	
Dysart	Hammond	Mabrey	Rippey		22

ABSENT

Broadhead	Edwards of St. Louis	Gottschalk	Mudd	4

ABSENT WITH LEAVE

Chrisman	Johnston	Pulitzer	Shackelford	Taylor	
Dryden	of Nodaway	Rider	Shields	of Jasper	
Farris	Nickerson	Rucker	Spaunhorst	Taylor of St. Louis	13

Mr. Massey moved to fill the blank in line fifteen with "forty."

The ayes and noes being demanded by five members, the amendment to fill the blank in the third line with "forty" was rejected by the following vote:

346]

AYES

Allen	Hale	Lay	Norton	Shanklin	
Black	Halliburton	Mabrey	Ray	Watkins	
Brockmeyer	Hammond	Massey	Rippey		
Carleton	Holliday	Maxey	Ross		
Conway	Lackland	Mortell	of Polk		21

NOES

Adams	Davis	Hardin	McKee	Switzler	
Alexander	Dysart	Hyer	McKillop	Todd	
Boone	Edwards	Johnson	Pipkin	Wagner	
Bradfield	of Iron	of Cole	Priest	Wallace	
Cottey	Eitzen	Letcher	Roberts	Mr. President	
Crews	Fyan	McAfee	Ross		
Crockett	Gantt	McCabe	of Morgan		30

ABSENT

Broadhead	Edwards of St. Louis	Gottschalk	Mudd	4

ABSENT WITH LEAVE

Chrisman	Johnston	Pulitzer	Shackelford	Taylor	
Dryden	of Nodaway	Rider	Shields	of Jasper	
Farris	Nickerson	Rucker	Spaunhorst	Taylor of St. Louis	13

The question recurring upon the adoption of the amendment offered by Mr. Cottey to Section twelve, and the ayes and noes being demanded by five members, the amendment was agreed to by the following vote:

AYES

Allen	Crews	Lackland	Ray	Shanklin	
Alexander	Crockett	Massey	Rippey	Switzler	
Black	Dysart	Maxey	Ross	Todd	
Bradfield	Eitzen	McKee	of Morgan	Wallace	
Brockmeyer	Holliday	Mortell	Ross		
Cottey	Hyer	Norton	of Polk		26

NOES

Adams	Edwards	Hammond	Letcher	Priest	
Boone	of Iron	Hardin	McAfee	Roberts	
Carleton	Fyan	Johnson	McCabe	Wagner	
Conway	Gantt	of Cole	McKillop	Watkins	
Davis	Hale	Lay	Pipkin	Mr. President	
					23

ABSENT

Broadhead	Edwards	Gottschalk	Halliburton	Mudd	
	of St. Louis		Mabrey		6

ABSENT WITH LEAVE

Chrisman	Johnston	Pulitzer	Shackelford	Taylor	
Dryden	of Nodaway	Rider	Shields	of Jasper	
Farris	Nickerson	Rucker	Spaunhorst	Taylor	13
				of St. Louis	

Mr. Rippey moved to reconsider the vote by which the amendment offered by Mr. Norton inserting "seventy" in line three was adopted, which was agreed to.

The question recurring upon the adoption of the
347] amendment offered by Mr. Norton, filling the blank in line three with the word "seventy," and the ayes and noes being demanded by five members, the amendment was agreed to by the following vote:

AYES

Allen	Cottey	Hale	Lackland	Priest	
Alexander	Crockett	Halliburton	Lay	Rippey	
Black	Dysart	Hammond	Mabrey	Roberts	
Bradfield	Edwards	Hardin	Mortell	Shanklin	
Brockmeyer	of Iron	Johnson	Norton		
Conway	Eitzen	of Cole	Pipkin		26

NOES

Adams	Fyan	Massey	McKillop	Ross
Boone	Gantt	Maxey	Pipkin	of Morgan
Carleton	Holliday	McAfee	Priest	Shanklin
Crews	Hyer	McCabe	Rippey	Wagner
Davis	Letcher	McKee	Roberts	Mr. President
				24

ABSENT

Broadhead	Edwards	Gottschalk	Ross	
	of St. Louis	Mudd	of Polk	5

ABSENT WITH LEAVE

Chrisman	Johnston	Pulitzer	Shackelford	Taylor	
Dryden	of Nodaway	Rider	Shields	of Jasper	
Farris	Nickerson	Rucker	Spaunhorst	Taylor	13
				of St. Louis	

Mr. Hardin offered the following amendment to Section twelve:

Amend by filling the blank in the sixth line with the word "twenty."

which was read.

Mr. McCabe offered the following amendment to the amendment offered by Mr. Hardin:

Amend the amendment by inserting "eighty" for the word "twenty."

which was read and rejected.

The question recurring upon the adoption of the amendment offered by Mr. Hardin, it was agreed to.

Mr. McCabe offered the following amendment to Section twelve:

Amend Section twelve by inserting after the word "house" in the eighteenth line the words, "or for their use."

which was read and agreed to.

Mr. Hale offered the following amendment to Section twelve:

Amend by striking out in eighth line the words, "traveling expenses or."

which was read and rejected.

348] Mr. Massey offered the following amendment to Section twelve:

Amend Section twelve by striking out all after the word "session" in the fourth line, down to and including the word "sessions" in the seventh line.

which was read.

On motion of Mr. Hardin the Convention adjourned until 2 o'clock p. m.

AFTERNOON SESSION

The Convention met pursuant to adjournment, the President in the chair.

The Convention resumed the consideration of Section twelve of the report of the Committee on Legislative Department and amendment of Mr. Massey, pending an adjournment.

The question being on agreeing to the amendment, it was rejected.

The question then recurring on agreeing to the amendment offered by Mr. McAfee to Section twelve, and the ayes and noes being demanded by five members, the amendment was rejected by the following vote:

AYES

Adams	Dysart	Fyan	McAfee	Switzler
Crews	Edwards	Johnson	McKillop	Mr. President
Davis	of Iron	of Cole	Pipkin	12

NOES

Allen	Crockett	Hyer	Mortell	Ross
Alexander	Eitzen	Lackland	Norton	of Polk
Black	Gantt	Lay	Priest	Shanklin
Boone	Gottschalk	Letcher	Ray	Taylor
Bradfield	Hale	Mabrey	Rider	of St. Louis
Brockmeyer	Halliburton	Massey	Rippey	Todd
Carleton	Hammond	Maxey	Roberts	Wagner
Conway	Hardin	McCabe	Ross	Wallace
Cottey	Holliday	McKee	of Morgan	Watkins

42

ABSENT

Mudd 1

ABSENT WITH LEAVE

Broadhead	Edwards	Johnston	Pulitzer	Shields
Chrisman	of St. Louis	of Nodaway	Rucker	Spaunhorst
Dryden	Farris	Nickerson	Shackelford	Taylor of Jasper

13

Mr. Switzler in the chair.

349] Mr. McAfee offered the following amendment to Section twelve:

Amend by inserting the word "all" before the word "stationery" in the fifteenth line, and adding after the word "stationery" in said line the words, "issued in his official capacity and all."

which was read and agreed to.

Mr. Crews offered the following amendment to Section twelve:

Amend by adding after the word "law" in line nine as follows: "but no member shall be entitled to traveling expenses for mileage for any extra session that may be called in one day after an adjournment of one day after a regular session."

which was read and agreed to.

Mr. Fyan offered the following amendment to Section twelve:

Amend by striking out the words, "other than," in the eighteenth line and insert in lieu thereof the following: "out of the contingent fund or otherwise except."

which was read and agreed to.

The question then recurring on the adoption of Section twelve as amended, it was adopted.

Section thirteen was read.

Mr. Rider offered the following amendment to Section thirteen:

Amend by striking out the words, "election and returns," in the second line and insert after "members" the following: "but contested elections for members of either house shall be determined by the circuit court of the county in which the contest arises."

which was read and rejected.

The question recurring on the adoption of Section thirteen, it was adopted.

Section fourteen was read and adopted.

Section fifteen was read and adopted.

Section sixteen was read and on motion of Mr. Brockmeyer laid over informally.

Section seventeen was read and adopted.

350] Section eighteen was read and adopted.

Section nineteen was read and adopted.

Article———on Legislative Proceedings was taken up.

Section one of said article was read and adopted.

Section two was read and adopted.

Section three was read and adopted.

Section four was read.

Mr. Brockmeyer offered the following amendment to Section four:

Amend Section four by striking out the word "passed" where it occurs the second time in line three.

which was read and agreed to.

Section five was read.

Mr. Hardin offered the following amendment to Section five:

Amend by striking out all after the word "engrossment" in line two.

which was read and rejected.

The question recurring on the adoption of Section five, it was adopted.

Section six was read and adopted.

Section seven was read and adopted.

Section eight was read and adopted.

Section nine was read and adopted.

Section ten was read and adopted.

Section eleven was read and adopted.

Section twelve was read and adopted.

Section thirteen was read and adopted.

Section fourteen was read.

Mr. Holliday offered the following amendment to Section fourteen:

Amend Section fourteen by striking out all after the words, "first signed," in the eleventh line.

which was read.

Mr. Norton moved the following amendment to the portion of the section proposed to be stricken out:

Amend by adding after the word "State" in the twenty-sixth line the following words: "but such bill shall not cease to operate as law until 351] the said court shall have declared the law null and void."

which was read.

On motion of Mr. Adams the Convention adjourned until tomorrow at 8:30 o'clock a. m.

TUESDAY, JUNE 29, 1875

MORNING SESSION

The Convention met pursuant to adjournment, the President in the chair.

The journal of yesterday was read and approved.

The Convention resumed the consideration of the amendments of the report on Legislative Department pending at adjournment.

The question being on the adoption of the amendment offered by Mr. Norton to Section fourteen, it was adopted.

Mr. Wagner offered the following amendment to Section fourteen:

Amend Section fourteen by striking out the word "two" in line seventeen and inserting the word "five" in lieu thereof, and by inserting after the word "protest" where it first occurs in line eighteen the words "under oath" also by inserting after the word "of," where it first occurs in the twenty-third line, the words "any three of."

which was read and agreed to.

On motion of Mr. Lackland leave of absence was granted Mr. Hardin.

Mr. Crews offered the following amendment to Section fourteen:

Amend Section fourteen by striking out "ninety" where it occurs in the twenty-second line and insert "thirty" and by adding after the word "judicially" in the twenty-third line the words,"and without delay."

which was read and agreed to.

Mr. McAfee offered the following amendment to Section fourteen:

Amend by inserting in the twenty-third line after the word "information" the words, "under oath," and by adding to the section these words, "if at the time of filing such information the Supreme Court be not in session it shall immediately convene for the purpose of hearing and determining the same."

which was read and agreed to.

The question recurring on the adoption of the amendment offered by Mr. Holliday to strike out all after the words, 352] "first signed," in line eleven, the ayes and noes being demanded by five members, the amendment was rejected by the following vote:

AYES

Adams	Conway	Hammond	Lay	Shackelford	
Black	Edwards	Holliday	Mabrey	Wallace	
Bradfield	of Iron	Johnson	Massey	Watkins	
Chrisman	Hale	of Cole	McCabe		17

NOES

Allen	Dysart	Hyer	Priest	Shanklin	
Alexander	Edwards	Lackland	Ray	Switzler	
Boone	of St. Louis	Letcher	Rider	Taylor	
Brockmeyer	Eitzen	Maxey	Roberts	of St. Louis	
Cottey	Farris	McAfee	Ross	Todd	
Crews	Fyan	McKee	of Morgan	Wagner	
Crockett	Gantt	McKillop	Ross	Mr. President	
Davis	Gottschalk	Norton	of Polk		
Dryden	Halliburton	Pipkin	Rucker		40

ABSENT

Broadhead	Mortell	Mudd	3

ABSENT WITH LEAVE

Hardin	Johnston	Nickerson	Shields	Taylor	
	of Nodaway	Pulitzer	Spaunhorst	of Jasper	7

SICK

Carleton	1

Mr. Lackland offered the following amendment to Section fourteen:

Amend by striking out all after the word "signature" in the sixteenth line.

which was read.

The ayes and noes being demanded by five members, the amendment was rejected by the following vote:

AYES

Adams	Dryden	Holliday	Mabrey	Ross	
Black	Edwards	Johnson	Massey	of Morgan	
Bradfield	of Iron	of Cole	Maxey	Shackelford	
Chrisman	Hale	Lackland	McCabe	Wallace	
Conway	Hammond	Lay	McKee	Watkins	22

NOES

Allen	Dysart	Halliburton	Ray	Switzler	
Alexander	Edwards	Hyer	Rider	Taylor	
Boone	of St. Louis	Letcher	Rippey	of St. Louis	
Brockmeyer	Eitzen	McAfee	Roberts	Todd	
Cottey	Farris	McKillop	Ross	Wagner	
Crews	Fyan	Norton	of Polk	Mr. President	
Crockett	Gantt	Pipkin	Rucker		
Davis	Gottschalk	Priest	Shanklin		35

ABSENT

Broadhead	Mortell	Mudd	3

ABSENT WITH LEAVE

Hardin	Johnston	Nickerson	Shields	Taylor	
	of Nodaway	Pulitzer	Spaunhorst	of Jasper	7

SICK

Carleton	1

Mr. Hale offered the following amendment to Section fourteen:

Amend by striking out all after the word "therewith" in the twentieth line.

which was read.

The ayes and noes being demanded by five members, 353] the amendment was rejected by the following vote:

AYES

Adams	Dysart	Johnson	McCabe	Taylor
Black	Edwards	of Cole	Priest	of St. Louis
Bradfield	of Iron	Lackland	Ross	Wallace
Chrisman	Hale	Lay	of Morgan	Watkins
Conway	Hammond	Mabrey	Shackelford	
Dryden	Holliday	Massey		23

NOES

Allen	Davis	Gottschalk	McKillop	Ross
Alexander	Edwards	Halliburton	Norton	of Polk
Boone	of St. Louis	Hyer	Pipkin	Rucker
Brockmeyer	Eitzen	Letcher	Ray	Shanklin
Cottey	Farris	Maxey	Rider	Switzler
Crews	Fyan	McAfee	Rippey	Todd
Crockett	Gantt	McKee	Roberts	Wagner
				Mr. President
				34

ABSENT

Broadhead	Mortell	Mudd	3

ABSENT WITH LEAVE

Hardin	Johnston	Nickerson	Shields	Taylor
	of Nodaway	Pulitzer	Spaunhorst	of Jasper 7

SICK

Carleton 1

Mr. Farris offered the following amendment to Section fourteen:

Amend Section fourteen by striking out all after the word "costs" in the twenty-seventh line down to and including the word "just" in the twenty-eighth line, and insert the following: "shall be adjudged against the informants."

which was read and agreed to.

Mr. Johnson of Cole offered the following amendment to Section fourteen:

Amend by striking out after the word "eighteen" in the sixteenth line and insert as follows: "A journal shall be kept of the proceedings of each house, which shall be a public record, and every bill which the journal does not affirmatively show has been passed in accordance with the forms prescribed by this Constitution, shall be void."

which was read.

The ayes and noes being demanded by five members, the amendment was rejected by the following vote:

AYES

Black	Edwards	Johnson	Massey	Watkins	
Bradfield	of Iron	of Cole	McCabe		
Chrisman	Hammond	Lay	Ross		
Conway	Holliday	Mabrey	of Morgan		14

NOES

Adams	Davis	Halliburton	Pipkin	Shanklin	
Allen	Dysart	Hyer	Ray	Switzler	
Alexander	Edwards	Lackland	Rider	Taylor	
Boone	of St. Louis	Letcher	Rippey	of St. Louis	
Brockmeyer	Eitzen	Maxey	Roberts	Todd	
Cottey	Farris	McAfee	Ross	Wagner	
Crews	Fyan	McKee	of Polk	Wallace	
Crockett	Gantt	McKillop	Rucker	Mr. President	
Dryden	Gottschalk	Norton	Shackelford		41

354] ABSENT

Broadhead	Hale	Mortell	Mudd	Priest	5

ABSENT WITH LEAVE

Hardin	Johnston	Nickerson	Shields	Taylor	
	of Nodaway	Pulitzer	Spaunhorst	of Jasper	7

SICK

Carleton	1

On motion of Mr. Rider the Convention adjourned until 2 o'clock p. m.

AFTERNOON SESSION

The Convention met pursuant to adjournment, the President in the chair.

The Convention resumed the consideration of Section fourteen of the report of the Committee on Legislative Department, pending at adjournment.

Mr. McCabe offered the following amendment to Section fourteen:

Amend Section fourteen by inserting after the word "occurred" in the twelfth line the words, "or that the passage thereof has been procured by bribery or corrupt influence."

which was read.

The ayes and noes being demanded by five members, the amendment was rejected by the following vote:

AYES

Bradfield	Dryden	Hammond	Mabrey	Priest
Conway	Gottschalk	Holliday	McCabe	Watkins
Davis	Hale	Lackland	Norton	14

NOES

Adams	Edwards	Johnson	Ray	Shanklin
Allen	of Iron	of Cole	Rippey	Taylor
Alexander	Edwards	Lay	Roberts	of St. Louis
Black	of St. Louis	Letcher	Ross	Todd
Boone	Farris	Massey	of Morgan	Wagner
Chrisman	Fyan	Maxey	Ross	Wallace
Cottey	Gantt	McAfee	of Polk	Mr. President
Crews	Halliburton	McKillop	Rucker	
Crockett	Hyer	Pipkin	Shackelford	38

ABSENT

Broadhead	Dysart	Mortell	Rider	
Brockmeyer	Eitzen	Mudd	Switzler	8

ABSENT WITH LEAVE

Hardin	Johnston	Nickerson	Shields	Taylor
	of Nodaway	Pulitzer	Spaunhorst	of Jasper 7

SICK

Carleton 1

The question recurring on the adoption of Section four-
355] teen as amended, and the ayes and noes being demanded by five members, the section was adopted by the following vote:

AYES

Allen	Davis	Gottschalk	Norton	Rucker
Alexander	Edwards	Halliburton	Ray	Shanklin
Boone	of St. Louis	Hyer	Rider	Switzler
Brockmeyer	Eitzen	Letcher	Rippey	Todd
Cottey	Farris	Maxey	Roberts	Wagner
Crews	Fyan	McAfee	Ross	Mr. President
Crockett	Gantt	McKillop	of Polk	32

NOES

Adams	Edwards	Johnson	McCabe	Shackelford	
Black	of Iron	of Cole	McKee	Taylor	
Bradfield	Hale	Lackland	Pipkin	of St. Louis	
Chrisman	Hammond	Lay	Priest	Wallace	
Conway	Holliday	Mabrey	Ross	Watkins	
		Massey	of Morgan		23

ABSENT

Broadhead	Dryden	Dysart	Mortell	Mudd	5

ABSENT WITH LEAVE

Hardin	Johnston	Nickerson	Shields	Taylor	
	of Nodaway	Pulitzer	Spaunhorst	of Jasper	7

SICK

Carleton	1

Section fifteen was read.

Mr. Adams offered the following amendment to Section fifteen:

Amend by striking out the words, "shall be law in this State," in seventh line and insert, "shall become a law," in lieu thereof.

which was read and agreed to.

Mr. Massey offered the following amendment to Section fifteen:

Amend by striking out in line two the words, "Secretary of the Senate," and the words, "Chief Clerk of the House of Representatives," in the third line.

which was read and rejected.

Mr. Holliday offered the following amendment to Section fifteen:

Amend Section fifteen by striking out the following words in the seventh and eighth lines: "unless it be in violation of some provision of this Constitution."

which was read and rejected.

The question recurring on the adoption of Section fifteen as amended, it was adopted.

Section sixteen was read.

Mr. Lay offered the following amendment to Section sixteen:

Amend Section sixteen of Legislative Proceedings by striking out the word "two-thirds" wherever it occurs and insert in lieu thereof the words, "a majority."

The ayes and noes being demanded by five members, the amendment was rejected by the following vote:

356]

AYES

Boone	Johnson	Maxey	Switzler	Mr. President
Hale	of Cole	McAfee	Wagner	
Holliday	Lay	Roberts	Wallace	12

NOES

Adams	Davis	Gottschalk	McKillop	Ross
Allen	Dryden	Halliburton	Norton	of Polk
Alexander	Edwards	Hammond	Pipkin	Rucker
Black	of Iron	Hyer	Priest	Shackelford
Bradfield	Edwards	Lackland	Ray	Shanklin
Chrisman	of St. Louis	Letcher	Rider	Taylor
Conway	Eitzen	Mabrey	Rippey	of St. Louis
Cottey	Farris	Massey	Ross	Todd
Crews	Fyan	McCabe	of Morgan	Watkins
Crockett	Gantt	McKee		43

ABSENT

Broadhead	Brockmeyer	Dysart	Mortell	Mudd	5

ABSENT WITH LEAVE

Hardin	Johnston	Nickerson	Shields	Taylor	
	of Nodaway	Pulitzer	Spaunhorst	of Jasper	7

SICK

Carleton 1

Mr. Cottey offered the following amendment to Section sixteen:

Amend Section sixteen by striking out the words, "elected to that house," in lines eight and twelve, and insert in lieu thereof in the said lines the word "present."

which was read and rejected.

The question recurring on the adoption of Section sixteen, it was adopted.

Section seventeen was read.

Mr. Shanklin offered the following amendment to Section seventeen:

Amend Section seventeen by striking out the word "amendment" in the fifth line and insert "enrollment" in lieu thereof.

which was read and agreed to.

Section seventeen as amended was then adopted.

Section eighteen was read and adopted.

Section one of Article —— on Limitation of Legislative Powers was read and on motion of Mr. Hale laid over informally.

Section two was read.

The first three lines of Section two were read and adopted.

The second subdivision of Section two was read.

Mr. Holliday offered the following amendment to the second subdivision of Section two:

357] Amend second subdivision of Section two by inserting after the word "second" in the sixth line the following words: "in time of war or public calamity or."

which was read and rejected.

The second subdivision of Section two was then adopted.

The third subdivision of Section two was read.

Mr. Lay offered the following amendment to the third subdivision of Section two:

Amend by striking out in line thirteen the word "taxpayers" and insert in lieu thereof the words, "qualified voters."

which was read.

The ayes and noes being demanded by five members, the amendment was rejected by the following vote:

AYES

Alexander	Crockett	Johnson	McAfee	Ross
Black	Davis	of Cole	McCabe	of Polk
Boone	Fyan	Lay	McKee	Shackelford
Bradfield	Haliburton	Mabrey	McKillop	Taylor
Chrisman	Holliday	Massey	Rider	of St. Louis
Conway		Maxey	Roberts	Mr. President

26

NOES

Adams	Dryden	Edwards	Farris	Hale
Allen	Edwards	of St. Louis	Gantt	Hammond
Crews	of Iron	Eitzen	Gottschalk	Hyer

Lackland	Pipkin	Ross	Switzler	Wallace	
Letcher	Priest	of Morgan	Todd	Watkins	
Norton	Rippey	Shanklin	Wagner		26

ABSENT

Broadhead	Cottey	Mortell	Ray	
Brockmeyer	Dysart	Mudd	Rucker	8

ABSENT WITH LEAVE

Hardin	Johnston	Nickerson	Shields	Taylor	
	of Nodaway	Pulitzer	Spaunhorst	of Jasper	7

SICK

Carleton 1

Mr. Hammond offered the following amendment to the third subdivision of Section two:

Amend by inserting after the word "the" where it first occurs in the thirteenth line the words, "qualified voters who are."

which was read.

The ayes and noes being demanded by five members, the amendment was rejected by the following vote:

AYES

Adams	Gantt	Hyer	Pipkin	Todd
Allen	Hale	Lackland	Priest	Wagner
Edwards	Hammond	Letcher	Rippey	Wallace
of St. Louis	Holliday	Massey	Switzler	Mr. President

19

358]

NOES

Alexander	Davis	Johnson	McKillop	Ross
Black	Dysart	of Cole	Norton	of Polk
Boone	Edwards	Lay	Ray	Shackelford
Bradfield	of Iron	Mabrey	Rider	Shanklin
Chrisman	Eitzen	Maxey	Roberts	Taylor
Conway	Farris	McAfee	Ross	of St. Louis
Cottey	Fyan	McCabe	of Morgan	Watkins
Crockett	Halliburton	McKee		33

ABSENT

Broadhead	Crews	Gottschalk	Mudd	
Brockmeyer	Dryden	Mortell	Rucker	8

ABSENT WITH LEAVE

Hardin	Johnston of Nodaway	Nickerson	Shields	Taylor of Jasper	7
		Pulitzer	Spaunhorst		

SICK

Carleton 1

Mr. Farris moved to reconsider the vote by which the amendment offered by Mr. Lay to the third subdivision of Section two was rejected.

The ayes and noes being demanded by five members, the motion to reconsider was agreed to by the following vote:

AYES

Alexander	Davis	Johnson of Cole	McKee	Shanklin	
Black	Dryden		McKillop	Switzler	
Boone	Dysart	Lackland	Norton	Taylor of St. Louis	
Bradfield	Farris	Lay	Ray		
Chrisman	Fyan	Mabrey	Rider	Wagner	
Conway	Gantt	Massey	Roberts	Wallace	
Cottey	Gottschalk	Maxey	Ross of Polk	Mr. President	
Crews	Halliburton	McAfee			
Crockett	Holliday	McCabe	Shackelford		40

NOES

Adams	Edwards of St. Louis	Hyer	Rippey	Watkins	
Allen		Letcher	Ross of Morgan		14
Edwards of Iron	Eitzen	Pipkin			
	Hammond	Priest	Todd		

ABSENT

Broadhead	Hale	Mortell	Mudd	Rucker	
Brockmeyer					6

ABSENT WITH LEAVE

Hardin	Johnston of Nodaway	Nickerson	Shields	Taylor of Jasper	7
		Pulitzer	Spaunhorst		

SICK

Carleton 1

Mr. Hale moved to lay the amendment and third subdivision of Section two on the table. Mr. Gottschalk rose to a point of order and stated that the motion of Mr. Hale was out of order as the effects of the motion if agreed to

would carry the section with it. The President decided the point of order well taken.

359] The question recurring on the adoption of the amendment offered by Mr. Lay to the third subdivision of Section two, and the ayes and noes being demanded by five members, the amendment was adopted by the following vote:

AYES

Alexander	Davis	Holliday	McCabe	Ross	
Black	Dryden	Johnson	McKee	of Polk	
Boone	Eitzen	of Cole	McKillop	Shackelford	
Bradfield	Farris	Lackland	Norton	Taylor	
Chrisman	Fyan	Lay	Ray	of St. Louis	
Conway	Gantt	Mabrey	Rider	Wallace	
Cottey	Gottschalk	Maxey	Roberts	Mr. President	
Crockett	Halliburton	McAfee			35

NOES

Adams	Edwards	Hammond	Priest	Switzler	
Allen	of Iron	Hyer	Rippey	Todd	
Crews	Edwards	Letcher	Ross	Wagner	
Dysart	of St. Louis	Massey	of Morgan	Watkins	20
	Hale	Pipkin	Shanklin		

ABSENT

Broadhead	Brockmeyer	Mortell	Mudd	Rucker	5

ABSENT WITH LEAVE

Hardin	Johnston	Nickerson	Shields	Taylor	
	of Nodaway	Pulitzer	Spaunhorst	of Jasper	7

SICK

Carleton 1

Mr. Hale offered the following amendment to the third subdivision of Section two:

Amend the third subdivision by striking out all after the word "creation" in the ninth line.

which was read.

Mr. Norton offered the following amendment to the third subdivision of Section two:

Amend by striking out the words "when the act" in the tenth line and insert in lieu thereof the following: "on the occurring of an unforseen emer-

gency or casual deficiency of the revenue, when the temporary liability incurred, or to be incurred, shall exceed the sum of two hundred and fifty thousand dollars for any one year, the General Assembly may submit an act."

which was read and adopted.

Mr. Todd offered the following amendment to the third subdivision of Section two:

Amend by striking out the words, "qualified voters" in line thirteen and inserting in lieu thereof these words, "adult taxpayers."

360] which was read.

Mr. Boone offered the following amendment to the amendment:

Amend the amendment by adding, "and no one shall be compelled to pay any part of said tax who voted against the law."

which was read and rejected.

Mr. Todd offered the following amendment to the amendment:

Amend by adding the words, "residing in the State of Missouri."

which was read and rejected.

The question then being on the adoption of the amendment first offered by Mr. Todd, it was rejected.

The question then recurring on the adoption of the amendment offered by Mr. Hale, and the ayes and noes being demanded by five members, the amendment was rejected by the following vote:

AYES

Cottey	Farris	Hyer	Maxey	Wallace	
Dysart	Hale	Johnson	Priest	Watkins	
Edwards	Halliburton	of Cole	Ross		
of Iron			of Morgan		13

NOES

Adams	Crockett	Lackland	Pipkin	Shanklin	
Allen	Dryden	Lay	Ray	Switzler	
Alexander	Edwards	Mabrey	Rider	Taylor	
Black	of St. Louis	Massey	Rippey	of St. Louis	
Boone	Eitzen	McAfee	Roberts	Todd	
Bradfield	Fyan	McCabe	Ross	Wagner	
Chrisman	Gantt	McKee	of Polk	Mr. President	
Conway	Gottschalk	McKillop	Rucker		
Crews	Hammond	Norton	Shackelford		41

ABSENT

Broadhead	Davis	Letcher	Mortell	Mudd	
Brockmeyer	Holliday				7

ABSENT WITH LEAVE

Hardin	Johnston of Nodaway	Nickerson Pulitzer	Shields Spaunhorst	Taylor of Jasper	7

SICK

Carleton 1

Mr. Gantt offered the following amendment to the third subdivision of Section two:

Amend by inserting before the word "shall" in the thirteenth line the words, "when the act."

361] which was read and agreed to.

Mr. Hale offered the following amendment to the third subdivision of Section two:

Amend by adding, "but such debt so to be contracted shall not exceed the sum of one million dollars."

which was read and rejected.

The third subdivision of Section two was then adopted.

Mr. Gantt called up the resolution offered by Mr. McAfee, as an amendment to the rules of the Convention in relation to the daily sessions of the Convention.

Mr. Rider offered the following amendment to the resolution:

Amend by striking out "2:00 o'clock p. m." and insert "2:30 o'clock p. m."

which was read.

The Convention laid before the Convention the following communication from the State Auditor:

City of Jefferson, June 29, 1875.

Hon. Waldo P. Johnson,
President Constitutional Convention.

Dear Sir:

In compliance with the resolution of your honorable body dated June 25, 1875, I have the honor herewith to transmit tabular statements showing the amount of warrants drawn on the various appropriations made by the General Assembly since the first day of October, 1866, to the thirty-first day of December, 1874. These statements do not include

warrants issued to pay any portion of the interest on the State debt. Tabular statements showing the disbursements from the revenue fund since the first day of January to the nineteenth day of June, 1875, have been heretofore furnished the Convention, also a statement showing the appropriations made by the twenty-eighth General Assembly and the estimated expenditures for the years 1875 and 1876.

I have the honor to be your obedient servant,

362] Thomas Holliday, *State Auditor.*
By. Albt. O. Allen, *Chief Clerk.*

which was read.

The President announced the following Special Committee to take into consideration the proposed new section offered by Mr. Maxey to the Article on Judicial Department: Hale, Maxey, McCabe, Davis, McAfee.

On motion of Mr. Switzler the Convention adjourned until tomorrow at 9 o'clock a. m.

WEDNESDAY, JUNE 30, 1875

MORNING SESSION

The Convention met pursuant to adjournment, the President in the chair.

Prayer by the Rev. Mr. Barrett.

The journal of yesterday was read and approved.

Mr. Switzler from the Special Committee of five, to which was referred Section thirty-nine of the report of the Committee on Judicial Department, and pending amendments, submitted the following report:

REPORT OF THE SPECIAL COMMITTEE

Mr. President:

The Select Committee to which was referred Section thirty-nine of the article on the Judicial Department together with all pending amendments has had the same under consideration and instructs me to report the following substitute and recommends its passage:

June 30, 1875. Wm. F. Switzler, *Chairman.*

Section 39. In each county there shall be a county court consisting of three judges. Said court shall be a court of record and shall have jurisdiction of all county and such other business as the General Assembly may prescribe: *Provided*, that in all counties of less popula-

363] tion than thirty-five thousand, the judge of probate shall be one of the three, and the presiding judge of the court. Judges of probate shall be elected by the qualified voters of the county for the term of four years and county judges for the term of two years.

which was read.

Mr. Wallace from the Special Committee of five to which was referred Section thirty-nine of the report of the Committee on Judicial Department, and pending amendments, submitted the following views of the minority of said committee and recommended the adoption of the accompanying amendment to the majority report of the Commitee:

Section 39. A county court shall be established in each county in the State, which shall consist of a presiding justice who shall be elected in the county at large, and no * associate justices, who shall be elected in districts as may be provided by law. The presiding justice shall be elected for four years and the associate justices for two years; *provided*, that the probate judge of counties having less than twenty thousand population shall be *ex offitio* presiding justice of the county court.

Section—. No person shall be eligible to the office of presiding or associate justice of the county court unless he be a citizen of the United States, over thirty years of age and a resident of the county for which he may be chosen one year next preceding his election or appointment.

Section—. County courts shall be courts of record and their jurisdiction and powers shall be prescribed and regulated by law.

Section—. All existing county court organizations in this State, with their jurisdiction and powers, as are or may be prescribed by law, shall continue until superseded by the election and qualification of justices of the county courts as provided for under this Constitution.

Section—. In counties having more or less than three county court justices, and in counties having the township organization of county courts, the first election for the justices of the county court under this Constitution shall take place at the general election in the year eighteen hundred and seventy-six; and counties having now three county court 364] justices, the election for their successors shall be had at the several general elections following the adoption of this Constitution, in the order necessary to fill expiring terms; the first election in such counties to be for the presiding justice of the county courts therein.

which was read.

On motion of Mr. Norton the report of the Special Committee was laid over informally and one hundred copies ordered printed.

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*The word "no" was probably intended for "number," which was to be filled in later.

The Convention resumed the consideration of the resolution offered by Mr. McAfee in relation to the daily business of the Convention and amendment pending at adjournment.

On motion of Mr. Norton leave of absence was granted Mr. Ross of Morgan.

The question being upon the adoption of the amendment, and the ayes and noes being demanded by five members, the amendment was rejected by the following vote:

AYES

Bradfield	Edwards	Johnson	Mudd	Taylor
Brockmeyer	of St. Louis	of Cole	Ray	of St. Louis
Carleton	Eitzen	Lackland	Rider	Todd
Dryden	Hammond	McCabe	Ross	Watkins
	Holliday	McKee	of Polk	19

NOES

Adams	Crockett	Hale	McKillop	Shackelford
Allen	Davis	Halliburton	Nickerson	Shanklin
Alexander	Dysart	Hyer	Norton	Switzler
Black	Edwards	Lay	Pipkin	Wagner
Boone	of Iron	Mabrey	Priest	Wallace
Chrisman	Farris	Massey	Rippey	Mr. President
Conway	Fyan	Maxey	Roberts	
Cottey	Gantt	McAfee	Rucker	37

ABSENT

Broadhead	Crews	Gottschalk	Mortell	4

ABSENT WITH LEAVE

Hardin	Letcher	Ross	Shields	Taylor
Johnston	Pulitzer	of Morgan	Spaunhorst	of Jasper
of Nodaway				8

Mr. Switzler rose to a point of order and stated that no legislative body ever fixes its hour of adjournment from day to day and that a motion to adjourn is always in order. The Chair decided the point of order not well taken.

365] Mr. Maxey offered the following amendment to the resolution offered by Mr. McAfee:

Amend by striking out "time of adjournment" wherever it occurs.

which was read.

The ayes and noes being demanded by five members, the amendment was adopted by the following vote:

AYES

Boone	Edwards	Johnson	Nickerson	Switzler
Bradfield	of St. Louis	of Cole	Pipkin	Taylor
Brockmeyer	Eitzen	Lackland	Priest	of St. Louis
Carleton	Farris	Maxey	Ray	Todd
Conway	Halliburton	McCabe	Rider	Wagner
Davis	Hammond	McKee	Ross	Wallace
Dryden	Holliday	McKillop	of Polk	Watkins
Dysart		Mudd	Shackelford	34

NOES

Adams	Cottey	Gantt	Mabrey	Roberts
Allen	Crockett	Gottschalk	Massey	Rucker
Alexander	Edwards	Hale	McAfee	Shanklin
Black	of Iron	Hyer	Norton	Mr. President
Chrisman	Fyan	Lay	Rippey	23

ABSENT

Broadhead	Crews	Letcher	Mortell	4

ABSENT WITH LEAVE

Hardin	Pulitzer	Shields	Taylor	
Johnston	Ross	Spaunhorst	of Jasper	
of Nodaway	of Morgan			7

Mr. McAfee offered the following amendment to his resolution:

Amend by striking out "8:30" and insert "8 o'clock" in lieu thereof.

which was read.

The ayes and noes being demanded by five members, the amendment was adopted by the following vote:

AYES

Adams	Edwards	Hyer	McKee	Roberts
Boone	of Iron	Johnson	McKillop	Ross
Brockmeyer	Farris	of Cole	Mudd	of Polk
Conway	Fyan	Lay	Nickerson	Rucker
Cottey	Gantt	Mabrey	Norton	Shanklin
Crockett	Gottschalk	Maxey	Priest	Switzler
Davis	Hale	McAfee	Ray	Wagner
Dysart	Halliburton	McCabe	Rippey	Mr. President
				37

NOES

Allen	Carleton	Edwards	Lackland	Taylor
Alexander	Chrisman	of St. Louis	Pipkin	of St. Louis
Black	Dryden	Eitzen	Rider	Todd
Bradfield		Holliday	Shackelford	Wallace
				Watkins 18

366] ABSENT

Broadhead	Hammond	Letcher	Massey	Mortell
Crews				6

ABSENT WITH LEAVE

Hardin	Pulitzer	Shields	Taylor
Johnston	Ross	Spaunhorst	of Jasper
of Nodaway	of Morgan		7

The question recurring upon the adoption of the resolution offered by Mr. McAfee as amended, it was adopted.

The Convention resumed the consideration of the report of the Committee on Legislative Department.

On motion of Mr. Norton the vote by which the second subdivision of Section two was adopted, was reconsidered.

Section two was taken up.

Mr. Norton offered the following amendment to the second subdivision of Section two:

Amend by striking out "two hundred and fifty thousand dollars' in the eighth line and inserting "four hundred thousand dollars" in lieu thereof.

which was read.

Mr. Holliday offered the following amendment to the amendment offered by Mr. Norton:

Amend the amendment by striking out "four hundred thousand" and insert "five millions" in lieu thereof.

which was read and rejected.

Mr. Adams offered the following amendment to the amendment offered by Mr. Norton:

Amend the amendment by inserting "one million" for "four hundred thousand."

which was read and rejected.

Mr. Halliburton offered the following amendment to the amendment offered by Mr. Norton:

Amend the amendment by striking out the word "four" and inserting the word "five" in lieu thereof.

which was read and rejected.

The question recurring upon the adoption of the amendment offered by Mr. Norton, and the ayes and noes being demanded by five members, the amendment was rejected by the following vote:

AYES

Adams	Dryden	Edwards	Johnson	Mudd	
Allen	Dysart	of St. Louis	of Cole	Norton	
Black	Edwards	Farris	Lackland	Rippey	
Chrisman	of Iron	Holliday	Mabrey	Shackelford	
Conway			McCabe	Watkins	20

NOES

367] Alexander	Eitzen	Lay	Priest	Taylor	
Boone	Fyan	Massey	Ray	of St. Louis	
Bradfield	Gantt	McAfee	Rider	Todd	
Carleton	Gottschalk	McKee	Roberts	Wagner	
Cottey	Hale	McKillop	Rucker	Wallace	
Crockett	Halliburton	Nickerson	Shanklin	Mr. President	
Davis	Hyer	Pipkin	Switzler		33

ABSENT

Broadhead	Crews	Letcher	Mortell	Ross	
Brockmeyer	Hammond	Maxey		of Polk	8

ABSENT WITH LEAVE

Hardin	Johnston	Pulitzer	Ross	Shields	
	of Nodaway		of Morgan	Spaunhorst	
				Taylor	
				of Jasper	7

The question recurring upon the adoption of the second subdivision of Section two, it was adopted.

Mr. Davis moved to reconsider the vote by which the third subdivision of Section two was adopted, which was not agreed to.

The question recurring upon the adoption of Section two as amended, and the ayes and noes being demanded by five members, the section was adopted by the following vote:

AYES

Adams	Dysart	Johnson	Norton	Shanklin	
Allen	Edwards	of Cole	Pipkin	Switzler	
Alexander	of St. Louis	Lay	Priest	Taylor	
Boone	Eitzen	Mabrey	Ray	of St. Louis	
Bradfield	Farris	Massey	Rider	Todd	
Brockmeyer	Fyan	McAfee	Rippey	Wagner	
Carleton	Gantt	McCabe	Roberts	Wallace	
Conway	Gottschalk	McKee	Ross	Watkins	
Cottey	Halliburton	McKillop	of Polk	Mr. President	
Crockett	Hyer	Mudd	Rucker		
Davis		Nickerson	Shackelford		48

NOES

Black	Dryden	Edwards	Hale	Holliday	
Chrisman		of Iron	Hammond	Lackland	8

ABSENT

Broadhead	Crews	Letcher	Maxey	Mortell	5

ABSENT WITH LEAVE

Hardin	Johnston	Pulitzer	Ross	Shields	
	of Nodaway		of Morgan	Spaunhorst	
				Taylor	
				of Jasper	7

Section three was read and adopted.

Section four was read.

368] Mr. Alexander offered the following amendment to Section four:

Amend Section four by striking out the words, "the maintenance of the eleemosynary institutions of the State or," in the fourth and fifth lines.

which was read and adopted.

Mr. Cottey offered the following amendment to Section four:

Amend the section as amended by striking out all after the word "whatsoever" in the third line.

which was read and rejected.

The question recurring upon the adoption of Section four, as amended, it was adopted.

Section five was read.

Mr. Adams offered the following substitute for Section five.

Strike out Section five and substitute in lieu thereof the following: "Section 5. No county, township, city, town or other municipality, shall hereafter become a subscriber to the capital stock of any railroad corporation or other corporation or association, or make donation of money or other valuable thing, or loan its credit to, or in aid of any such corporation or association, or in aid of any college or institution of learning, or other institution, whether created for the State and to be controlled by the State, or for others. And all authority heretofore given for the purposes aforesaid by any act or acts of the Legislature or by the charter of any railroad corporation or other corporation is hereby repealed: *Provided, however*, that the adoption of this Constitution shall not be construed to prevent renewal bonds or other means being used as is, or may be directed by law, for the liquidation or payment of existing indebtedness."

which was read and rejected.

The question recurring upon the adoption of Section five, it was adopted.

Section six was read and adopted.

Section seven was read and adopted.

Section eight was read and adopted.

Section nine was read and adopted.

369] Section ten was read and adopted.

Mr. Maxey offered the following proposed new section:

Section—. The Legislature shall pass no law extending the time of the collection of the revenue that is past due nor for the final settlements of collectors of such revenue.

which was read and on motion laid over informally.

Mr. Adams offered the following proposed new section to the report of the Committee on Legislative Department:

Section—. Within five years after the adoption of this Constitution all the statute laws of a general nature, both civil and criminal, shall be revised, digested and promulgated in such manner as the General Assembly shall direct, and a like revision, digest and promulgation shall be made at the expiration of every subsequent period of ten years.

which was read and adopted.

Section eleven was taken up and considered line by line.

Mr. Lay offered the following amendment to Section eleven:

Amend Section from line fifty-four to fifty-nine inclusive by striking out all after the word "enacted" in line fifty.

which was read.

The ayes and noes being demanded by five members, the amendment was rejected by the following vote:

AYES

Crockett	Johnson	Lackland	McCabe	Watkins
Hale	of Cole	Lay	Wallace	8

NOES

Adams	Cottey	Gantt	McKillop	Ross
Allen	Davis	Gottschalk	Mudd	of Polk
Alexander	Dysart	Halliburton	Nickerson	Rucker
Black	Edwards	Hammond	Norton	Shackelford
Boone	of Iron	Hyer	Pipkin	Shanklin
Bradfield	Edwards	Mabrey	Priest	Switzler
Brockmeyer	of St. Louis	Massey	Rider	Taylor
Carleton	Eitzen	Maxey	Rippey	of St. Louis
Chrisman	Farris	McAfee	Roberts	Todd
Conway	Fyan	McKee		Mr. President
				45

ABSENT

Broadhead	Dryden	Letcher	Ray	
Crews	Holliday	Mortell	Wagner	8

ABSENT WITH LEAVE

Hardin	Johnston	Pulitzer	Ross	Shields
	of Nodaway		of Morgan	Spaunhorst
				Taylor
				of Jasper 7

370] Mr. Massey offered the following amendment to Section eleven:

Amend the section in line fifty-five by striking out all after the word "thereof" in said line and including the word "thing" in line fifty-nine.

which was read.

On motion of Mr. Halliburton the Convention adjourned until 2 o'clock p. m.

AFTERNOON SESSION

The Convention met pursuant to adjournment, the President in the chair.

The Convention resumed the consideration of the amendment offered by Mr. Massey to Section eleven pending at adjournment.

The ayes and noes being demanded by five members, the amendment was rejected by the following vote:

AYES

Black	Crockett	Lackland	Wallace	4

NOES

Adams	Dysart	Halliburton	McKillop	Rucker
Allen	Edwards	Hammond	Mudd	Shackelford
Alexander	of Iron	Johnson	Nickerson	Shanklin
Boone	Edwards	of Cole	Norton	Taylor
Bradfield	of St. Louis	Lay	Pipkin	of St. Louis
Brockmeyer	Farris	Letcher	Ray	Todd
Chrisman	Fyan	Mabrey	Rippey	Wagner
Conway	Gantt	Maxey	Roberts	Watkins
Cottey	Gottschalk	McAfee	Ross	Mr. President
Davis	Hale	McCabe	of Polk	44

ABSENT

Broadhead	Dryden	Hyer	Mortell	Switzler
Carleton	Eitzen	Massey	Priest	
Crews	Holliday	McKee	Rider	13

ABSENT WITH LEAVE

Hardin	Johnston	Pulitzer	Ross	Shields
	of Nodaway		of Morgan	Spaunhorst
				Taylor
				of Jasper 7

Mr. Adams offered the following amendment to Section eleven:

Amend Section eleven by adding after the word "thereof" in the fifty-fifth line the following: "for limitations of civil actions."

which was read and adopted.

Mr. Black offered the following amendment to Section eleven:

Amend by inserting after line fifty-three the following words: "summoning and impaneling grand or petit jurors."

371] which was read and adopted.

Mr. Gantt offered the following amendment to Section eleven:

Amend by striking out, "determination thereof," after "legislative" in line fifty-eight and insert in lieu thereof, "assertion on that subject."

which was read and adopted.

Mr. Edwards of Iron offered the following amendment to Section eleven:

Amend Section eleven in line sixty-one by inserting between the word "law" and the word "but" the following: "or enact a general law which by its provisions is to be in force and effect only in such counties as first by a vote of a majority of the qualified voters therein at an election held for that purpose may vote to adopt the same."

which was read and adopted.

Mr. Bradfield moved to reconsider the vote by which the amendment offered by Mr. Edwards of Iron was adopted, which was agreed to.

Mr. Edwards of Iron, by unanimous consent of the Convention, then withdrew his amendment and offered the following amendment to Section eleven:

Amend Section eleven in line sixty-one by inserting between the word "law" and the word "but" the following: "or enact a general law which by its provisions is to be in force and effect only in such counties as first by a vote of the people at an election held for that purpose may vote to adopt the same."

which was read.

The ayes and noes being demanded by five members, the amendment was rejected by the following vote:

AYES

Adams	Edwards	Johnson	Massey	Rippey
Boone	of Iron	of Cole	Maxey	Roberts
Carleton	Eitzen	Lay	Nickerson	Wagner
Crockett	Halliburton	Letcher	Norton	Watkins
		Mabrey	Priest	Mr. President
			Ray	22

NOES

Allen	Davis	Gottschalk	McCabe	Shackelford
Alexander	Dryden	Hale	McKillop	Switzler
Black	Dysart	Hammond	Mudd	Taylor
Bradfield	Edwards	Holliday	Pipkin	of St. Louis
Chrisman	of St. Louis	Hyer	Rider	Todd
Conway	Fyan	Lackland	Ross	Wallace
Cottey	Gantt	McAfee	of Polk	31

ABSENT

372]	Brockmeyer	Farris	Mortell	Shanklin
Broadhead	Crews	McKee	Rucker	8

ABSENT WITH LEAVE

Hardin	Pulitzer	Shields	Taylor	
Johnston	Ross	Spaunhorst	of Jasper	
of Nodaway	of Morgan			7

Mr. McAfee offered the following amendment to Section eleven:

Amend Section eleven by striking out lines sixty and sixty-one.

which was read and rejected.

The question recurring on the adoption of Section eleven as amended, it was adopted.

Section twelve was read.

Mr. Shanklin offered the following amendment to Section twelve:

Amend Section twelve by striking out the following words in first and second lines: "other than those provided for in the preceding section."

which was read and adopted.

Mr. Shanklin offered the following amendment to Section twelve:

Amend by striking out the word "bill" in the first line and insert the word "law" in lieu thereof.

which was read and adopted.

Mr. Gottschalk offered the following amendment to Section twelve:

Amend by striking out the words "shall be" in line four and inserting in lieu thereof the following: "shall state the substance of the contemplated law, and shall be published."

which was read and adopted.

Mr. Gantt offered the following amendment to section twelve.

Amend by adding the following words: "and the notice shall be recited in the act according to its tenor."

which was read and adopted.

Mr. Todd offered the following amendment to section twelve:

Amend by striking out the words "of such bill" in line five and inserting the words, "of the bill for such law," in lieu thereof.

which was read and rejected.

The question recurring on the adoption of Section twelve as amended, it was adopted.

373] Section thirteen was read.

Mr. McCabe offered the following amendment to Section thirteen:

Amend Section thirteen by adding thereto the words "or recommended by special message to its consideration by the Governor after it shall have been convened."

which was read and adopted.

Section thirteen as amended was then adopted.

Section fourteen was read.

Mr. Roberts offered the following amendment to Section fourteen:

Amend by striking out all of Section fourteen.

which was read.

The ayes and noes being demanded by five members, the amendment was rejected by the following vote:

AYES

Davis	Edwards of Iron	Letcher	Pipkin	Wallace	
		Mudd	Rider		7

NOES

Adams	Brockmeyer	Dryden	Fyan	Holliday
Allen	Carleton	Dysart	Gantt	Hyer
Alexander	Chrisman	Edwards	Gottschalk	Johnson
Black	Conway	of St. Louis	Hale	of Cole
Boone	Cottey	Eitzen	Halliburton	Lackland
Bradfield	Crockett	Farris	Hammond	Lay

Mabrey	McKillop	Ross	Shanklin	Wagner
Massey	Nickerson	of Polk	Switzler	Watkins
Maxey	Norton	Rucker	Taylor	Mr. President
McAfee	Rippey	Shackelford	of St. Louis	47
McCabe	Roberts			

ABSENT

Broadhead	McKee	Priest	Todd	
Crews	Mortell	Ray		7

ABSENT WITH LEAVE

Hardin	Johnston	Pulitzer	Ross	Shields
	of Nodaway		of Morgan	Spaunhorst
				Taylor
				of Jasper 7

Section fourteen as amended was then adopted.

Mr. Massey offered the following resolution:

Resolved, That hereafter the Committee on Accounts be instructed not to allow the per diem pay to any member of this Convention for the time he may be absent for as much as one entire day and any number of days even though he may be absent by leave of this body, except when such absence may be caused by sickness.

which was read.

Mr. Maxey moved to lay the resolution on the table.

The ayes and noes being demanded by five members, 374] the motion to lay on the table was agreed to by the following vote:

AYES

Allen	Edwards	Hale	McAfee	Rider
Black	of Iron	Halliburton	McCabe	Rippey
Brockmeyer	Edwards	Hammond	McKee	Roberts
Carleton	of St. Louis	Holliday	McKillop	Rucker
Chrisman	Eitzen	Lackland	Mudd	Shackelford
Conway	Farris	Letcher	Nickerson	Shanklin
Dryden	Fyan	Mabrey	Pipkin	Taylor
	Gottschalk	Maxey	Priest	of St. Louis
				Watkins 37

NOES

Adams	Crockett	Johnson	Ross	Wallace
Alexander	Davis	of Cole	of Polk	Mr. President
Boone	Dysart	Lay	Switzler	20
Bradfield	Gantt	Massey	Todd	
Cottey	Hyer	Norton	Wagner	

ABSENT

Broadhead	Crews	Mortell	Ray	4

ABSENT WITH LEAVE

Hardin	Johnston of Nodaway	Pulitzer	Ross of Morgan	Shields Spaunhorst Taylor of Jasper	7

Mr. Adams offered the following to be added to the Constitution as a separate article to be called Article——— of the Distribution of Powers:

The powers of government shall be divided into three distinct departments, the legislative, executive and judicial—each of which shall be confided to a separate magistracy, and no person or collection of persons, charged with the exercise of powers properly belonging to one of those departments, shall exercise any power properly belonging to either of the others, except in the instances in this Constitution expressly directed or permitted.

which was read.

On motion of Mr. Brockmeyer the further consideration of the report of the Committee on Legislative Department was postponed until tomorrow, 10 o'clock a. m.

On motion of Mr. McCabe the additional article of the Distribution of Powers, was taken up.

The question recurring on the adoption of the article, it was adopted.

On motion of Mr. McAfee the article was referred to **375**] the Committee on Revision, with instructions to carefully revise and correct the same and report it back to the Convention at an early day, printed and correctly engrossed for final adoption.

Leave of absence was granted Mr. Brockmeyer on account of sickness.

On motion of Mr. Priest the report of the Committee on Boundaries and Political Subdivisions of the State was taken up.

Section one of the Article on Boundaries was read.

On motion of Mr. Halliburton the Convention adjourned until tomorrow at 8 o'clock a. m.

THURSDAY, JULY 1, 1875

MORNING SESSION

The Convention met pursuant to adjournment, the President in the chair.

The journal of yesterday was read and approved.

The Convention resumed the consideration of Article ———of the report of the Committee on Boundaries and Political Subdivisions of the State, pending at adjournment on yesterday.

Mr. Lackland offered the following amendment to Article———on Boundaries:

Amend by striking out the words, "now established," in the first line and inserting in lieu thereof the words, "heretofore established by law."

which was read and on motion laid over informally with the Article———.

Article———of Counties, Cities and Towns of the said report was taken up.

Section one was read and adopted.

Section two was read.

Mr. Rippey offered the following amendment to Section two:

Amend Section two by striking out all after the word "years" in the fifth line.

which was read.

The ayes and noes being demanded by five members, the amendment was agreed to by the following vote:

AYES

376] Adams	Dysart	Hyer	Norton	Wagner
Allen	Eitzen	Lay	Pipkin	Wallace
Alexander	Farris	Letcher	Priest	Mr. President
Carleton	Hale	Massey	Rippey	
Chrisman	Halliburton	Maxey	Shackelford	
Crockett	Hammond	McCabe	Shanklin	27

NOES

Black	Edwards	Johnson	Mudd	Switzler
Boone	of St. Louis	of Cole	Nickerson	Taylor
Bradfield	Fyan	Lackland	Ray	of St. Louis
Conway	Gantt	Mabrey	Rider	Todd
Cottey	Gottschalk	McKee	Ross	Watkins
Dryden	Holliday	Mortell	of Polk	25

ABSENT

Broadhead	Crews	Edwards	McKillop	
Brockmeyer	Davis	of Iron	Rucker	7

ABSENT WITH LEAVE

Hardin	McAfee	Roberts	Shields	Taylor
Johnston	Pulitzer	Ross	Spaunhorst	of Jasper
of Nodaway		of Morgan		9

On motion of Mr. Boone leave of absence was granted Mr. Roberts.

The hour of 10 o'clock having arrived, the President announced the special order, being the consideration of Sections two, three, four, five, six and seven of the report of the Committee on Legislative Department.

Mr. Shanklin, by unanimous consent of the Convention, offered the following resolution:

Resolved, That the President appoint a committee consisting of five members whose duty it shall be to take into consideration and report a schedule providing for carrying the Constitution into effect.

which was read and adopted.

On motion, the special order was laid over informally and the consideration of the report of the Committee on Boundaries and Political Subdivisions of the State was resumed.

Section two was read.

Mr. Holliday offered the following amendment:

Amend Section two by striking out "two-thirds" and insert "three-fifths" where the same occurs in the third line.

which was read.

Mr. Ross of Polk offered the following amendment to the amendment:

Amend the amendment by striking out "three-fifths" and inserting the words "a majority" in lieu thereof.

which was read.

377] The question being upon the adoption of the amendment to the amendment, and the ayes and noes being demanded by five members, the amendment to the amendment was rejected by the following vote:

AYES

Bradfield	Fyan	McKee	Ross	Mr. President
Edwards	Lackland	Mudd	of Polk	
of St. Louis	Maxey	Rider	Watkins	11

NOES

Adams	Davis	Halliburton	McCabe	Shanklin
Allen	Dryden	Hammond	McKillop	Switzler
Alexander	Dysart	Holliday	Mortell	Taylor
Black	Edwards	Hyer	Nickerson	of St. Louis
Boone	of Iron	Johnson	Norton	Todd
Carleton	Eitzen	of Cole	Pipkin	Wagner
Chrisman	Farris	Lay	Priest	Wallace
Conway	Gantt	Letcher	Ray	
Cottey	Gottschalk	Mabrey	Rippey	
Crockett	Hale	Massey	Shackelford	44

ABSENT

Broadhead	Brockmeyer	Crews	Rucker	4

ABSENT WITH LEAVE

Hardin	McKee	Roberts	Shields	Taylor
Johnston	Pulitzer	Ross	Spaunhorst	of Jasper
of Nodaway		of Morgan		9

On motion of Mr. Fyan leave of absence was granted Mr. McAfee.

The question recurring upon the adoption of the amendment offered by Mr. Holliday, and the ayes and noes being demanded by five members, the amendment was rejected by the following vote:

AYES

Bradfield	Edwards	Holliday	McKee	Todd
Dryden	of St. Louis	Hyer	Mudd	Watkins
Edwards	Fyan	Lackland	Rider	Mr. President
of Iron	Gantt	Mabrey	Ross	18
		Maxey	of Polk	

NOES

Adams	Cottey	Halliburton	McKillop	Shackelford
Allen	Crockett	Hammond	Mortell	Shanklin
Alexander	Davis	Johnson	Nickerson	Switzler
Black	Dysart	of Cole	Norton	Taylor
Boone	Eitzen	Lay	Pipkin	of St. Louis
Carleton	Farris	Letcher	Priest	Wagner
Chrisman	Gottschalk	Massey	Ray	Wallace
Conway	Hale	McCabe	Rippey	37

ABSENT

Broadhead	Brockmeyer	Crews	Rucker	4

ABSENT WITH LEAVE

Hardin	McAfee	Roberts	Shields	Taylor
Johnston	Pulitzer	Ross	Spaunhorst	of Jasper
of Nodaway		of Morgan		9

Mr. Chrisman offered the following amendment to Section two:

378] Amend by striking out the word "five" in line five and insert in lieu thereof the word "ten."

which was read and rejected.

Mr. Holliday offered the following amendment:

Amend Section two by striking out the following words in lines four and five: "And no such proposition shall be oftener submitted than once in five years."

which was read.

The ayes and noes being demanded by five members, the amendment was rejected by the following vote:

AYES

Alexander	Dryden	Gottschalk	Lay	Rider	
Black	Edwards	Holliday	Letcher	Rippey	
Bradfield	of Iron	Hyer	Mabrey	Ross	
Brockmeyer	Edwards	Johnson	Maxey	of Polk	
Carleton	of St. Louis	of Cole	McKee	Switzler	
Conway	Gantt	Lackland	Mudd	Watkins	26

NOES

Adams	Chrisman	Davis	Farris	Halliburton
Allen	Cottey	Dysart	Fyan	Hammond
Boone	Crockett	Eitzen	Hale	Massey

McCabe	Norton	Ray	Taylor	Wagner
McKillop	Pipkin	Shackelford	of St. Louis	Wallace
Mortell	Priest	Shanklin	Todd	Mr. President
Nickerson				30

ABSENT

Broadhead	Crews	Rucker	3

ABSENT WITH LEAVE

Hardin	McAfee	Roberts	Shields	Taylor
Johnston	Pulitzer	Ross	Spaunhorst	of Jasper
of Nodaway		of Morgan		9

On motion of Mr. McKillop leave of absence was granted Mr. Johnson of Cole.

Mr. Fyan offered the following amendment to Section two:

Amend by adding after the word "county" where it first appears in the second line, "and all additions to a town, that is the county seat shall be included, considered and regarded as the county seat."

which was read and agreed to.

Mr. Mudd offered the following amendment:

Amend by striking out all of Section two.

which was read.

The ayes and noes being demanded by five members, the amendment was rejected by the following vote:

379]

AYES

Edwards	Fyan	Mudd	Ross	Watkins
of St. Louis	Gottschalk		of Polk	Mr. President
				7

NOES

Adams	Cottey	Hale	Maxey	Rider	
Allen	Crockett	Halliburton	McCabe	Rippey	
Alexander	Davis	Hammond	McKee	Shackelford	
Black	Dryden	Holliday	McKillop	Shanklin	
Boone	Dysart	Hyer	Mortell	Switzler	
Bradfield	Edwards	Lackland	Nickerson	Taylor	
Brockmeyer	of Iron	Lay	Norton	of St. Louis	
Carleton	Eitzen	Letcher	Pipkin	Todd	
Chrisman	Farris	Mabrey	Priest	Wagner	
Conway	Gantt	Massey	Ray	Wallace	48

ABSENT

Broadhead	Crews	Rucker	3

ABSENT WITH LEAVE

Hardin	Johnston	Pulitzer	Ross	Spaunhorst	
Johnson of Cole	of Nodaway	Roberts	of Morgan	Taylor of Jasper	10
	McAfee		Shields		

Mr. Watkins offered the following amendment:

Strike out in the fourth line the words, "at a general election."

which was read and rejected.

Section two as amended was then adopted.

Section three was read.

Mr. Hammond offered the following amendment to Section three:

Amend Section three by striking out "five hundred" in the second line and insert "four hundred" in lieu thereof.

which was read.

Mr. Rucker offered the following substitute for Section three:

No new county shall be established with a territory of less than four hundred square miles or with a population of less than one ratio of representation existing at the time, nor shall any county now established be reduced to less than that area, or to less than that number of inhabitants, nor shall any new county be formed unless two-thirds of the qualified voters within the district composing the limits of such proposed new county, voting at an election held for that purpose, shall vote therefor. Nor shall any new county be established, any line of which shall run within ten miles of the then existing county seat of any county. In all cases of the establishment of any new county, the new county shall 380] be held for and obliged to pay its ratable proportion of all the liabilities then existing of the county or counties from which said new county shall be formed.

which was read.

Mr. Ross of Polk offered the following amendment to the substitute offered by Mr. Rucker:

Amend the substitute by striking out all after the word "unless" in the fifth line to and including the word "county" in the sixth line and inserting in lieu thereof the following: "a majority of the qualified voters of the counties thus affected."

which was read.

The question recurring on the adoption of the amendment offered by Mr. Hammond, it was rejected.

Mr. Edwards of Iron offered the following amendment to Section three:

Amend Section three by striking out all after the word "miles" to and including the word "time" in the third line and by striking out all after the word "area" in the fourth line.

which was read and rejected.

Mr. Maxey offered the following amendment to Section three:

Amend Section three by striking out in the second and third lines, "the ratio of representation existing at the time," and insert, "five thousand inhabitants." Strike out "such ratio" in the fourth line and insert "five thousand inhabitants."

which was read.

The ayes and noes being demanded by five members, the amendment was rejected by the following vote:

AYES

Brockmeyer	Edwards	Holliday	Maxey	Watkins	
Conway	of Iron	Hyer	Ross	Mr. President	
	Fyan	Mabrey	of Polk		11

NOES

Adams	Davis	Hammond	Nickerson	Shanklin	
Allen	Dryden	Lackland	Norton	Switzler	
Alexander	Dysart	Lay	Pipkin	Taylor	
Black	Eitzen	Letcher	Priest	of St. Louis	
Boone	Farris	Massey	Ray	Todd	
Bradfield	Gantt	McCabe	Rider	Wagner	
Chrisman	Gottschalk	McKillop	Rippey	Wallace	
Cottey	Hale	Mortell	Shackelford		
Crockett	Halliburton	Mudd			41

ABSENT

381]	Broadhead	Crews	Edwards	McKee	
	Carleton		of St. Louis	Rucker	6

ABSENT WITH LEAVE

Hardin	Johnston	Pulitzer	Ross	Spaunhorst	
Johnson	of Nodaway	Roberts	of Morgan	Taylor	
of Cole	McAfee		Shields	of Jasper	10

Mr. Fyan offered the following amendment to Section three:

Amend Section three by striking out the words commencing with the word "or" in the second line to and including the word "time" in third line, and by striking out the words, "such ratio" in fourth line. Then add to the section these words, "required for a ratio of representation existing at the time; but when a new county is formed having a population less than a ratio of representation, it should be attached for representative purposes to the county from which the greatest amount of territory was taken until such ratio shall be obtained."

which was read.

On motion of Mr. Boone the Convention adjourned until 2 o'clock p. m.

AFTERNOON SESSION

The Convention met pursuant to adjournment, the President in the chair.

The Convention resumed the consideration of the amendment offered by Mr. Fyan to Section three of the report of the Committee on Boundaries and Political Subdivisions of the State, pending at adjournment, which was read.

The ayes and noes being demanded by five members, the amendment offered by Mr. Fyan to Section three was agreed to by the following vote:

AYES

Adams	Conway	Hammond	Mabrey	Ross	
Allen	Edwards	Holliday	Maxey	of Polk	
Black	of Iron	Hyer	McCabe	Shanklin	
Bradfield	Fyan	Johnson	Nickerson	Switzler	
Carleton	Hale	of Cole	Priest	Watkins	27
Chrisman	Halliburton	Lackland		Mr. President	

NOES

Alexander	Dryden	Lay	Norton	Shackelford	
Boone	Dysart	Letcher	Pipkin	Todd	
Cottey	Farris	Massey	Ray	Wagner	
Crockett	Gantt	McKillop	Rippey	Wallace	20

382]

ABSENT

Broadhead	Davis	Eitzen	Mudd	Taylor
Brockmeyer	Edwards	Gottschalk	Rider	of St. Louis
Crews	of St. Louis	Mortell	Rucker	12

ABSENT WITH LEAVE

Hardin	McAfee	Roberts	Shields	Taylor
Johnston	Pulitzer	Ross	Spaunhorst	of Jasper
of Nodaway		of Morgan		9

Mr. Shanklin offered the following amendment to Section three:

Amend by striking out all after the word "county" in the first line and insert the following: "with a territory of less than four hundred square miles (or with a population less than the ratio of representation existing at the time) nor shall any county as now established be reduced to less than that area, or to less than that number of inhabitants, nor shall any new county be formed unless two-thirds of the qualified voters in each county within the district composing the limits of such proposed new county, voting at an election held for that purpose, shall vote therefor; nor shall any county be established, any line of which shall run within ten miles of the then existing county seat of any county. In all cases of the establishment of any new county, the new county shall be held for and obliged to pay its ratable proportions of all the liabilities then existing of the county or counties from which said new county shall be formed."

which was read.

Mr. Alexander offered the following amendment to the amendment offered by Mr. Shanklin:

Amend the amendment by striking out the word "four" in the first line and insert "five" in lieu thereof.

which was read.

Mr. Ross of Polk in the chair.

The ayes and noes being demanded by five members, the amendment offered by Mr. Alexander to the amendment offered by Mr. Shanklin was agreed to by the following vote:

AYES

Adams	Crockett	Gantt	Letcher	Priest
Allen	Davis	Holliday	Massey	Ray
Alexander	Edwards	Johnson	McCabe	Shackelford
Black	of Iron	of Cole	McKillop	Wagner
Bradfield	Eitzen	Lackland	Nickerson	Wallace
Chrisman	Farris	Lay	Norton	Mr. President
				28

NOES

383] Boone	Dysart	Hammond	Pipkin	Taylor	
Brockmeyer	Edwards	Hyer	Rippey	of St. Louis	
Carleton	of St. Louis	Mabrey	Ross	Todd	
Conway	Fyan	Maxey	of Polk	Watkins	25
Cottey	Hale	McKee	Rucker		
Dryden	Halliburton	Mudd	Shanklin		

ABSENT

Broadhead	Gottschalk	Rider	Switzler	
Crews	Mortell			6

ABSENT WITH LEAVE

Hardin	McAfee	Roberts	Shields	Taylor	
Johnston	Pulitzer	Ross	Spaunhorst	of Jasper	
of Nodaway		of Morgan			9

The President in the chair.

Mr. Ross of Polk, by unanimous consent of the Convention, withdrew his amendment to Section three.

Mr. Rippey offered the following amendment to the amendment as amended:

Amend the amendment by striking out all after the word "therefor" in the sixth line down to and including the word "county" where it occurs a second time in the eighth line.

which was read.

Mr. Rucker, by unanimous consent of the Convention, withdrew his substitute for Section three.

The question recurring upon the adoption of the amendment offered by Mr. Rippey to the amendment as amended, it was rejected.

Mr. Alexander offered the following amendment to the amendment offered by Mr. Shanklin as amended:

Amend the amendment by inserting after the word "voters" in the fifth line the following, "in each county."

which was read.

Mr. Shackelford offered the following substitute for Section three as amended:

The General Assembly shall have no power to establish any new county with a territory of less than four hundred and ten square miles; nor to reduce any county now established to less area or to a less

population than required for a ratio existing at the time; but when a new county is formed having a population less than a ratio of representation, it shall be attached for representative purposes to the county from which the greatest amount of territory is taken until such ratio shall be obtained. *Provided*, that no county shall be divided or have **384**] any part stricken therefrom without submitting the question to a vote of the people of the county; nor unless a majority of all the qualified voters of the county or counties thus affected, voting on the question, shall vote therefor; nor shall any new county be established, any line of which shall run within ten miles of the then existing county seat of any county. In all cases of the establishment of any new county, the new county shall be held for and obliged to pay its ratable proportion of all the liabilities then existing of the county or counties from which said new county shall be formed.

which was read.

Mr. Adams offered the following amendment to the substitute:

Amend the substitute by striking out "four hundred and ten" and insert "five hundred."

which was read.

The question recurring upon the adoption of the amendment offered by Mr. Alexander to the amendment offered by Mr. Shanklin as amended, it was agreed to.

Mr. Ross of Polk offered the following amendment to the amendment offered by Mr. Shanklin as amended:

Amend the amendment by striking out all after the words "less than" down to and including the words "new county" in the sixth line and insert in lieu thereof the following: "four hundred and fifty square miles, or with a population less than the ratio of representation existing at the time, nor shall any county as now established be reduced to less than that area, or to less than that number of inhabitants, nor shall any new county be formed unless one-third of the qualified voters of each of the counties thus affected, and two-thirds of the qualified voters in each county within the districts composing the limits of such proposed new county."

which was read.

On motion of Mr. Massey the Convention adjourned until tomorrow morning at 8 o'clock a. m.

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END OF VOLUME I.

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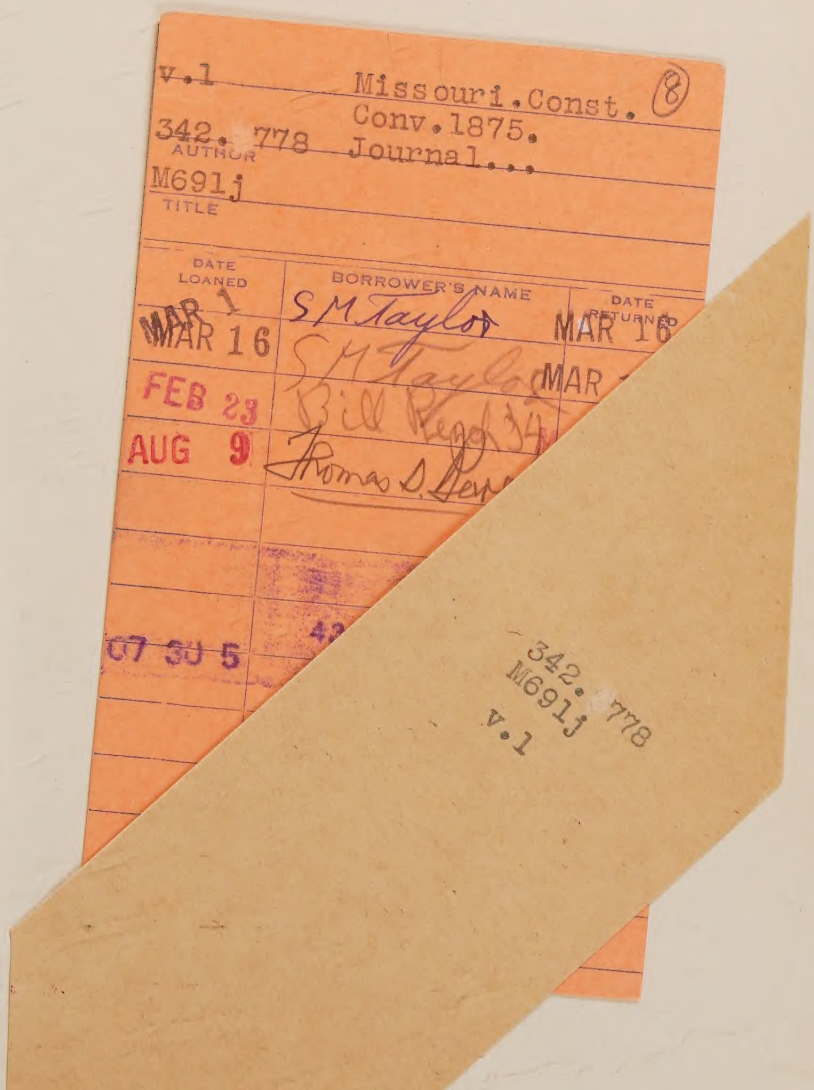
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